

1609/6029

# OFFICIAL

*Correspondence and Communications*

BETWEEN

C. C. PINCKNEY, JOHN MARSHALL, AND  
ELBRIDGE GERRY,

ENVOYS EXTRAORDINARY OF THE AMERICAN STATES,

AND

M. TALLEYRAND,

MINISTER FOR FOREIGN AFFAIRS IN FRANCE.

TO WHICH IS ADDED,

A COPY OF THE INSTRUCTIONS

GIVEN TO THE AMERICAN ENVOYS.

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L A I D B E F O R E C O N G R E S S

BY THE

PRESIDENT OF THE UNITED STATES,

A P R I L 3, 1798.

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D U B L I N :

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1798.

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EXTRAORDINARY OF THE AMERICAN STATE

TABLE 4

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2008-2-22-01

A COPY OF THE INSTRUCTIONS

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Am. Mus. Nat. Hist. (1914) 1914



*American State Papers.*

**MESSAGE**

OF THE PRESIDENT OF THE UNITED STATES, TO  
BOTH HOUSES OF CONGRESS, APRIL 3, 1798.

*Gentlemen of the Senate, and*

*Gentlemen of the House of Representatives,*

**I**N compliance with the request of the House of Representatives, expressed in their Resolution of the 2d of this month, I transmit to both Houses, those Instructions to, and Dispatches from, the Envoys Extraordinary of the United States to the French Republic, which were mentioned in my Message of the 19th of March last, omitting only some names, and a few expressions descriptive of the persons.

I request that they may be considered in confidence, until the Members of Congress are fully possessed of their contents, and shall have had opportunity to deliberate on the consequences of their publication; after which time I submit them to your wisdom.

**JOHN ADAMS.**

*United States, April 3d, 1798*

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**CREDENCE**

**CREDENCE FOR MESSRS. PINCKNEY, MARSHALL AND GERRY, ENVOYS TO FRANCE.**

JOHN ADAMS, PRESIDENT OF THE UNITED STATES OF AMERICA, TO THE EXECUTIVE DIRECTORY OF THE FRENCH REPUBLIC.

*Citizens Directors,*

Desirous of terminating all differences between the United States of America, and the French Republic, and of restoring that harmony and good understanding, and that commercial and friendly intercourse, which from the commencement of their political connection, until lately, have so happily subsisted, I have nominated, and by and with the advice and consent of the Senate of the United States, appointed Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, distinguished Citizens of these States, jointly and severally, Envoys Extraordinary, and Ministers Plenipotentiary, to the French Republic, for the purpose of accomplishing the great objects above-mentioned: Wherefore, I pray you, Citizens Directors, to give full credence to what they and each of them shall say to you in these respects, in behalf of the United States, and also when they shall assure you of the sincerity of our wishes for the welfare of the French Republic.

Given under my Hand and the Great Seal of the United States of America, at Philadelphia, the 13th day of July, in the year 1797, and of the Independence of these States, the Twenty-second.

JOHN ADAMS.

*By the President of the United States,*

TIMOTHY PICKERING, Secretary of State.

**FULL POWERS TO MESSRS. PINCKNEY, MARSHALL, AND GERRY, ENVOYS TO FRANCE.**

JOHN ADAMS, PRESIDENT OF THE UNITED STATES OF AMERICA, TO ALL WHOM THESE PRESENTS SHALL CONCERN—GREETING:

Know ye, That for the purpose of terminating all differences, between the United States of America and the French Republic, and of restoring and confirming perfect harmony and good understanding, and re-establishing a commercial and friendly intercourse between them, and reposing especial trust and confidence in the integrity, prudence,



dence, and abilities of Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, Citizens of the said United States, I have nominated, and, by and with the advice and consent of the Senate, appointed the said Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, jointly and severally, Envoys Extraordinary and Ministers Plenipotentiary of the United States to the French Republic, hereby giving and granting to them, and any and each of them, full power and authority, and also a general and special command, for and in the name of the United States to meet and confer with the Ministers, Commissioners, or Deputies of the French Republic, being furnished with the like full powers, whether separately or jointly, and with them to treat, consult, and negotiate, of and concerning all claims, and all matters and causes of difference, subsisting between the United States and the French Republic, for the purpose of satisfying and terminating the same in a just and equitable manner; and also of and concerning the general Commerce between the United States and France, and all other the Dominions of the French Republic; and to conclude and sign a Treaty or Treaties, Convention or Conventions, touching the premises; transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate of the United States, if such advice and consent shall be given.

In testimony whereof, I have caused the Seal of the United States to be hereunto affixed.

Given under my hand at the City of Philadelphia, the twenty-second day of June, in the year of our Lord 1797, and of the Independence of the United States of America, the twenty-first.

JOHN ADAMS.

By the President of the United States.

TIMOTHY PICKERING, Secretary of State.

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DEPARTMENT OF STATE, APRIL 3, 1798.

The names designated by the letters, W. X. Y. Z. in the following Copies of Letters from the Envoys of the United States to the French Republic, are, in the originals, written at full length, in cyphers. For the same reason that single letters are thus taken to designate certain Persons named in the Letters, other words descriptive of them are omitted.

TIMOTHY PICKERING.

(No. 1.)

(No. 1.)

DEAR SIR,

*Paris, Oct. 22, 1797.*

All of us having arrived at Paris on the evening of the 4th instant, on the next day we verbally and unofficially informed the Minister of Foreign Affairs therewith, and desired to know when he would be at leisure to receive one of our Secretaries with the Official Notification. He appointed the next day at two o'clock, when Major Rutledge waited upon him with the following Letter:

CITIZEN MINISTER,

The United States of America being desirous of terminating all differences between them and the French Republic, and of restoring that harmony and good understanding, and that commercial and friendly intercourse, which from the common cement of their political connection, until lately, have so happily subsisted, the President has nominated, and by and with the advice and consent of the Senate, has appointed us, the Undersigned, jointly and severally, Envoys Extraordinary and Ministers Plenipotentiary to the French Republic, for the purpose of accomplishing these great objects. In pursuance of such nomination and appointment, and with such view, having come to Paris, we wish, Citizen Minister, to wait on you at any hour you will be pleased to appoint, to present the Copy of our Letters of Credence; and whilst we evince our sincere and ardent desire for the speedy restoration of friendship and harmony between the two Republics, we flatter ourselves with your concurrence in the accomplishment of this desirable event. We request you will accept the assurances of our perfect esteem and consideration.

Paris, October 6th, in the 21st year of American Independence.

(Signed) CHARLES COTESWORTH PINCKNEY.  
JOHN MARSHALL.  
ELBRIDGE GERRY.

To this Letter the Minister gave a verbal answer, that he would see us the day after the morrow (the 8th) at one o'clock. Accordingly at that hour and day we waited on the Minister at his house, where his office is held, when, being informed he was not at home, the Secretary-General of the Department told Major Rutledge, that the Minister was obliged to wait on the Directory, and requested we would suspend our visit till three o'clock; at which hour we called. The Minister we found was then engaged with the Portuguese Minister, who retired in about ten minutes, when we were introduced, and produced



produced the copy of our Letters of Credence, which the Minister perused and kept. He informed us, "that the Directory had required him to make a Report relative to the situation of the United States with regard to France, which he was then about, and which would be finished in a few days, when he would let us know what steps were to follow." We asked if Cards of Hospitality were in the mean time necessary? He said they were, and that they should be delivered to us; and he immediately rung for his Secretary, and directed him to make them out. The conversation was carried on by him in French, and by us in our own language.

The next day Cards of Hospitality were sent to us and our Secretaries, in a style suitable to our official character.

On Saturday the 14th, Major Mountfloreance informed General Pinckney, that he had a conversation with Mr. Osmond, the private and confidential Secretary of the Minister of Foreign Affairs, who told him, that the Directory were greatly exasperated at some parts of the President's Speech, at the opening of the last Session of Congress, and would require an explanation of them from us. The particular parts were not mentioned. In another conversation on the same day, the Secretary informed the Major, that the Minister had told him it was probable we should not have a public audience of the Directory till such time as our Negotiation was finished; that probably persons might be appointed to treat with us; but they would report to him, and he would have the direction of the Negotiation. The Major did not conceal from Mr. Osmond his intention to communicate these conversations to us.

In the morning of October the 18th, Mr. W——, of the house of —, called on General Pinckney, and informed him, that a Mr. X. who was in Paris, and whom the General had seen —, was a Gentleman of considerable credit and reputation —, and that we might place great reliance on him.

In the evening of the same day, Mr. X. called on General Pinckney, and after having sat some time — whispered him, that he had a message from M. Talleyrand to communicate, when he was at leisure. General Pinckney immediately withdrew with him into another room; and when they were alone, Mr. X. said, that he was charged with a business in which he was a novice; that he had been acquainted with M. Talleyrand —, and that he was sure he had a great regard for [America] and its Citizens; and was very desirous that a reconciliation should be brought about with —



with France; that to effectuate that end, he was ready, if it was thought proper, to suggest a plan, confidentially, that M. Talleyrand expected would answer the purpose.

General Pinckney said, he should be glad to hear it. M. X. replied, that the Directory, and particularly two of the Members of it, were exceedingly irritated at some passages of the President's Speech, and desired that they should be softened; and that this step would be necessary previous to our reception: that besides this, a sum of money was required for the pocket of the Directory and Ministers, which would be at the disposal of M. Talleyrand: and that a Loan would also be insisted on. M. X. said, if we acceded to these measures, M. Talleyrand had no doubt that all our differences with France might be accommodated. On enquiry, M. X. could not point out the particular passages of the Speech that had given offence, nor the quantum of the Loan; but mentioned that the *douceur* for the pocket was twelve hundred thousand livres, about fifty thousand pounds sterling. General Pinckney told him, his Colleagues and himself, from the time of their arrival here, had been treated with great slight and disrespect; that they earnestly wished for peace and reconciliation with France; and had been entrusted by their Country with very great powers to obtain these ends, on honourable terms: that with regard to the propositions made, he could not even consider of them before he had communicated them to his Colleagues; that after he had done so, he should hear from him. After a communication and consultation had, it was agreed, that General Pinckney should call on M. X. and request him to make his propositions to us all; and for fear of mistakes or misapprehensions, that he should be requested to reduce the heads into writing. Accordingly, on the morning of October the 19th, General Pinckney called on M. X. who consented to see his Colleagues in the evening, and to reduce his propositions to writing. He said, his communication was not immediately with M. Talleyrand, but through another Gentleman, in whom M. Talleyrand had great confidence. This proved afterwards to be M. Y.

At six in the evening M. X. came and left with us the first set of propositions; which, translated from the French, are as follows: "A person who possesses the confidence of the Directory, on what relates to the affairs of America, convinced of the mutual advantages which would result from the re-establishment of the good understanding between the two Nations, purposes to employ all of his influence to obtain this object.—He will assist the Commissioners of the United States

States in all the demands which they may have to make from the Government of France, inasmuch as they may not be contradictory to those which he proposes himself to make, and of which the principal will be communicated confidentially. It is desired that in the official communications there should be given a softening turn to a part of the President's Speech to Congress, which has caused much irritation. It is feared that in not satisfying certain individuals in this respect, they may give way to all their resentment. The nomination of Commissioners will be consented to on the same footing as they have been named in the Treaty with England, to decide on the reclamations which individuals of America may make on the Government of France, or on French individuals. The payments, which, agreeably to the decisions of the Commissioners, shall fall to the share of the French Government, are to be advanced by the American Government itself. It is desired that the funds which by this means shall enter again into the American trade should be employed in new supplies for the French Colonies. Engagements of this nature on the part of individuals reclaiming will always hasten, in all probability, the decisions of the French Commissioners; and perhaps it may be desired that this clause should make a part of the instructions which the Government of the United States should give to the Commissioners they may choose. The French Government desires, besides, to obtain a Loan from the United States; but so that should not give any jealousy to the English Government, nor hurt the neutrality of the United States. This Loan shall be masked by stipulating, that the Government of the United States consents to make the advances for the payment of the debts contracted by the Agents of the French Government with the Citizens of the United States; and which are already acknowledged, and the payment ordered by the Directory, but without having been yet effectuated.—There should be delivered a note to the amount of these debts. Probably this note may be accompanied by ostensible pieces, which will guarantee to the Agents the responsibility of the United States, in case any umbrage should cause an enquiry. There shall also be first taken from this Loan certain sums for the purpose of making the customary distributions in diplomatic affairs. The person of note mentioned in the minutes, who had the confidence of the Directory, he said, before us all, was M. Talleyrand. The amount of the Loan he could not ascertain precisely, but understood it would be according to our ability to pay.—The sum which would be considered as proper, according to the diplomatic usage, was about twelve hundred thousand Livres. He could not state to us what parts of the President's

sident's Speech were excepted to, but said he would enquire and inform us. He agreed to breakfast with Mr. Gerry the morning of 21st, in order to make such explanations as we had then requested, or should think proper to request: but on the morning of the 20th, M. X. called, and said, that M. Y. the confidential friend of M. Talleyrand, instead of communicating with us through M. X. would see us himself and make the necessary explanations. We appointed to meet him the evening of the twentieth, at seven o'clock, in General Marshall's room. At seven M. Y. and M. X. entered; and the first mentioned Gentleman, being introduced to us as the confidential friend of M. Talleyrand, immediately stated to us the favourable impressions of that Gentleman towards our country, impressions which were made by the kindness and civilities he had personally received in America: that impressed by his solicitude to repay these kindnesses, he was willing to aid us in the present Negotiation by his good offices with the Directory, who were, he said, extremely irritated against the Government of the United States, on account of some parts of the President's Speech, and who had neither acknowledged nor received us, and consequently have not authorized M. Talleyrand to have any communications with us. The Minister, therefore, could not see us himself, but had authorized his friend M. Y. to communicate to us certain propositions, and to receive our answers to them—and to promise on his part, that if we would engage to consider them as the basis of the proposed Negotiation, he would intercede with the Directory to acknowledge us, and to give us a public audience. M. Y. stated to us explicitly and repeatedly, that he was clothed with no authority; that he was not a diplomatic character; that he was not

he was only the friend of M. Talleyrand and trusted by him; that with regard to himself he had  
and that he earnestly wished well to the United States. He then took out of his pocket a French translation of the President's Speech, the parts of which objected to by the Directory were marked agreeably to our request to M. X. and are contained in the exhibit A. Then he made us the second set of propositions, which were dictated by him, and written by M. X. in our presence, and delivered to us, and which, translated from the French, are as follows. "There is demanded a formal disavowal in writing, declaring that the Speech of the Citizen President Barras did not contain any thing offensive to the Government of the United States, nor any thing which de-  
served



deserved the epithets contained in the whole paragraph: Secondly, reparation is demanded for the article by which it shall be declared, that the Decree of the Directory there mentioned did not contain any thing contrary to the Treaty of 1778, and had none of those fatal consequences, that the paragraph reproaches to it: Thirdly, it is demanded, that there should be an acknowledgment in writing, of the depredations exercised on our trade by the English and French privateers: Fourthly, the Government of France, faithful to the profession of public faith which it has made not to intermeddle in the internal affairs of Foreign Governments with which it is at peace, would look upon this paragraph as an attack upon its loyalty, if this was intended by the President.— It demands in consequence, a formal declaration, that it is not the Government of France nor its Agents that this paragraph meant to designate: In consideration of these reparations, the French Republic is disposed to renew with the United States of America, a Treaty which shall place them reciprocally in the same state that they were in 1778. By this new Treaty, France shall be placed, with respect to the United States, exactly on the same footing as they stand with England, in virtue of the last Treaty which has been concluded between them. A secret Article of this new Treaty would be a Loan to be made by the United States to the French Republic; and once agreed upon the amount of the Loan, it would be endeavoured to consult the convenience of the United States with respect to the best method of preventing its publicity. On reading the Speech, M. Y. dilated very much upon the keenness of the resentment it had produced, and expatiated largely on the satisfaction he said was indispensably necessary as a preliminary to negotiation. But, said he, Gentlemen, I will not disguise from you, that, this satisfaction being made, the essential part of the Treaty remains to be adjusted: *il faut de l'argent—il faut beaucoup d'argent*: “you must pay money, you must pay a great deal of money.” He spoke much of the force, the honour, and the jealous Republican Pride of France; and represented to us strongly the advantages which we should derive from the neutrality thus to be purchased. He said, that the receipt of the money might be so disguised as to prevent its being considered as a breach of neutrality by England; and thus save us from being embroiled with that Power.— Concerning the twelve hundred thousand livres little was said; that being completely understood on all sides to be required for the Officers of Government, and therefore needing no further explanation. These propositions, he said, being considered as the admitted basis of the proposed Treaty, M.



Talleyrand trusted, that, by his influence with the Directory, he could prevail on the Government to receive us. We asked whether we were to consider it as certain that, without a previous stipulation to the effect required, we were not to be received. He answered, that M. Talleyrand himself, was not authorized to speak to us the will of the Directory, and consequently could not authorize him. The conversation continued till half after nine, when they left us; having engaged to breakfast with Mr. Gerry the next morning.

October 21st, M. X. came before nine o'clock; M. Y. did not come until ten; he had passed the morning with M. Talleyrand. After breakfast the subject was immediately resumed. He represented to us that we were not yet acknowledged or received; that the Directory were so exasperated against the United States, as to have come to a determination to demand from us, previous to our reception, those disavowals, reparations, and explanations, which were stated at large last evening. He said, that M. Talleyrand and himself were extremely sensible of the pain we must feel in complying with this demand; but that the Directory would not dispense with it: that therefore we must consider it as the indispensable preliminary to obtain our reception; unless we could find the means to change their determination in this particular: that if we satisfied the Directory in these particulars, a Letter would be written to us, to demand the extent of our Powers, and to know whether we were authorized to place them precisely on the same footing with England?—whether, he said, our Full Powers were really and substantially Full Powers? or, like those of Lord Malmesbury, only Illusory Powers? That if to this demand our answer should be affirmative, then France would consent that Commissioners should be appointed to ascertain the claims of the United States, in like manner as under our Treaty with England; but from their jurisdiction must be withdrawn those which were condemned for want of a *role d'equipage*; that being a point on which Merlin, while Minister of Justice, had written a treatise, and on which the Directory were decided. There would, however, be no objection to our complaining of these captures in the course of the Negotiation, and if we could convince Merlin by our reasoning, the Minister would himself be satisfied with our so doing. We required an explanation of that part of the conversation, in which M. Y. had hinted at our finding means to avert the demand concerning the President's Speech. He answered, that he was not authorized to state those means, but that we must search for them, and propose them ourselves. If, however, we asked his opinion as a private individual, and would

would receive it as coming from him he would suggest to us the means which, in his opinion, would succeed. On being asked to suggest the means, he answered, Money; that the Directory were jealous of its own Honour, and of the Honour of the Nation; that it insisted on receiving from us the same respect with which we had treated the King; that this Honour must be maintained in the manner before required, unless we substituted in the place of those reparations something perhaps more valuable, that was Money. He said further, that if we desired him to point out the sum which he believed would be satisfactory, he would do so. We requested him to proceed; and he said, that there were thirty-two millions of florins of Dutch Inscriptions, worth ten shillings in the pound, which might be assigned to us at 20s. in the pound; and he proceeded to state to us the certainty, that after a Peace, the Dutch Government would repay us the money; so that we should ultimately lose nothing; and the only operation of the measure would be an advance from us to France of Thirty-two Millions, on the credit of the Government of Holland. We asked him whether the Fifty Thousand Pounds Sterling as a douceur to the Directory, must be in addition to this Sum? He answered us in the affirmative. We told him, that on the subject of the Treaty, we had no hesitation in saying that our powers were ample: that on the other points proposed to us we would retire into another room; and return in a few minutes with our answer.

We committed immediately to writing the answer we proposed, in the following words: "Our powers respecting a Treaty are ample; but the proposition of a loan in the form of Dutch Inscriptions, or in any other form, is not within the limits of our instructions: upon this point, therefore, the Government must be consulted; One of the American Ministers will, for the purpose, forthwith embark for America; provided the Directory will suspend all further captures on American vessels, and will suspend proceedings on those already captured, as well where they have been already condemned, as where the Decisions have not yet been rendered; and that where Sales have been made, but the money not yet received by the Captors, it shall not be paid until the preliminary Questions, proposed to the Ministers of the United States be discussed and decided:" which was read as a verbal answer; and we told them they might copy it if they pleased. M. Y. refused to do so; his disappointments was apparent; he said we treated the Money part of the proposition as if it had proceeded from the Directory; whereas in fact it did not proceed even from the Minister, but was only a suggestion from himself, as  
a substitute

a substitute to be proposed by us, in order to avoid the painful acknowledgment that the Directory had determined to demand of us. It was told him, that we understood that matter perfectly; that we knew the proposition was in form to be ours; but that it came substantially from the Minister. We asked what had led to our present conversation? And General Pinckney then repeated the first communication from M. X. (to the whole of which that gentleman assented) and we observed that those Gentlemen had brought no testimonials of their speaking any thing from authority; but that relying on the fair characters they bore, we had believed them when they said they were from the Minister, and had conversed with them in like manner, as if they were conversing with M. Talleyrand himself; and that we could not consider any suggestion M. Y. had made, as not having been previously approved of; but yet if he did not chuse to take a memorandum in writing of our answer, we had no wish that he should do so; and further, if he chose to give the answer to his proposition the form of a proposition from ourselves, we could only tell him, that we had no other proposition to make, relative to any advance of money on our part; that America had sustained deep and heavy losses by French depredations on our Commerce, and that France has alledged so [many] complaints against the United States, that on those subjects we came fully prepared, and were not a little surprised to find France unwilling to hear us; and making demands upon us which could never have been suspected by our Government, and which had the appearance of our being the aggressing party. M. Y. expressed himself vehemently on the resentment of France; and complained, that instead of our proposing some substitute for the reparations demanded of us, we were stipulating certain conditions to be performed by the Directory itself; that he could not take charge of such Propositions; and that the Directory would persist in its demand of those reparations which he had at first stated. We answered that we could not help it: it was for the Directory to determine what course its own honour and the interests of France required it to pursue: it was for us to guard the interests and honour of our Country. M. Y. observed, that we had taken no notice of the first Proposition, which was, to know whether we were ready to make the disavowal, reparations and explanations concerning the President's Speech. We told him that we supposed it to be impossible, that either he or the Minister could imagine that such a Proposition could require an answer: that we did not understand it as being seriously expected; but merely as introductory to the subjects of real consideration.

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He spoke of the respect which the Directory required, and repeated, that it would exact as much as was paid to the antient Kings. We answered, that America had demonstrated to the world, and especially to France, a much greater respect for her present Government, than for her former Monarchy; and that there was no evidence of this disposition, which ought to be required, that we were not ready to give.— He said that we should certainly not be received; and seemed to shudder at the consequences. We told him that America had made every possible effort to remain on friendly terms with France; that she was still making them; that if France would not hear us, but would make War on the United States, nothing remained for us, but to regret the unavoidable necessity of defending ourselves.

The subject of our powers was again mentioned; and we told him, that America was solicitous to have no more misunderstandings with any Republic, but especially with France; that she wished a permanent Treaty, and was sensible, that no Treaty could be permanent, which did not comport with the interests of the parties; and therefore that he might be assured, that our powers were such as authorized us to place France on equal ground with England, in any respects in which an inequality might be supposed to exist at present between them, to the disadvantage of France. The subject of the *role d'equipage* was also mentioned: and we asked what assurance we could have, if France insisted on the right of adding to the stipulations of our Treaty, or of altering them by municipal regulations, that any future treaty we could make should be observed. M. Y. said, that he did not assert the principle of changing Treaties by municipal regulations; but that the Directory considered its regulation, concerning the *role d'equipage* as comporting with the Treaty. We observed to him, that none of our vessels had what the French termed a *role d'equipage*, and that if we were to surrender all the property which had been taken from our Citizens in cases where their vessels were not furnished with such a *role*, the Government would be responsible to its Citizens for the property so surrendered; since it would be impossible to undertake to assert that there was any plausibility in the allegation, that our Treaty required a *role d'equipage*.

The subject of disavowals, &c. concerning the President's Speech, was again mentioned; and it was observed, that the Constitution of the United States, authorized and required our President to communicate his ideas on the affairs of the Nation; that, in obedience to the Constitution, he had done so; that we had not power to confirm or invalidate any part of the President's



President's Speech ; that such an attempt could produce no other effect than to make us ridiculous to the Government and to the Citizens at large of the United States ; and to produce on the part of the President, an immediate disavowal and recal of us as his Agents ; that independent of this, all America was acquainted with the facts stated by the President ; and our disavowing them would not change the public sentiment concerning them.

We parted with mutual professions of personal respect, and with full indications, on the part of M. Y. of his expectation, that we should immediately receive the threatened letter.

The nature of the above communication will evince the necessity of secrecy ; and we have promised Messrs. X and Y. that their names shall in no event be made public.

We have the honour to be, with great respect and esteem,

Your most obedient humble servants,

CHARLES COTESWORTH PINCKNEY,  
J. MARSHALL,  
E. GERRY.

P. S. October 27, 1797.—The Definitive Articles of Peace are signed between the French Republic and the Emperor; the particulars you will find in the public prints. The Portuguese Minister is ordered to quit France, as the Treaty with Portugal has not been yet ratified by the Queen. The Treaty itself is declared by the Directory to be void. Since our arrival at Paris, the Tribunal of Cassation has rejected Captain Scott's Petition, complaining of the condemnation of his vessel, by the Civil Tribunal, for the want of a role d'équipage. Mr. — in behalf of the owners of the American vessels, who have appealed in the last resort to the Tribunal of Cassation, informs, that notwithstanding all the arguments — made use of — to put off the hearing of the Rosanna, as a diplomatic case, till the issue of our Negotiation is known, that case is set down for hearing, and will come on the 29th or 30th instant. The same — also says, that it is obvious, that the Tribunal have received instructions from the Officers of Government to hasten their decisions, and that it was hardly worth while to — for all our Petitions in Cassation would be rejected. Our advocates — decline giving their sentiments on this subject — under an apprehension of committing themselves.

Colonel PICKERING,  
Secretary of the United States.

PARAGRAPH

PARAGRAPH OF THE PRESIDENT'S SPEECH, REFERRED  
TO IN LETTER NO. I, UNDER THE TITLE OF EXHIBIT A.

## I.

With this conduct of the French Government it will be proper to take into view the public audience given to the late Minister of the United States, on his taking leave of the Executive Directory. The speech of the President discloses sentiments more alarming than the refusal of a Minister, because more dangerous to our Independence and Union, and at the same time judiciously marked with indignities against the Government of the United States. It evinces a disposition to separate the people of the United States from the Government; to persuade them that they had different affections, principles, and interests from those of their fellow-citizens, whom they themselves have chosen to manage their common concerns; and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial sense of fear, fitted to be the miserable instruments of foreign influence, and regardless of national honour, character, and interest.

## II.

The diplomatic intercourse between France and the United States being at present suspended, the Government has no means of obtaining official information from that Country; nevertheless, there is reason to believe that the Executive Directory passed a Decree, on the 2d of March last, contravening in part the Treaty of Amity and Commerce of 1778, injurious to our lawful Commerce, and endangering the lives of our Citizens. A Copy of this Decree will be laid before you.

## III.

While we are endeavouring to adjust our differences with France, by amicable Negotiation, the progress of the War in Europe, the depredations on our Commerce, the personal injuries to our Citizens, and the general complexion of affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.

## IV.

It is impossible to conceal from ourselves or the world, what has been before observed, that endeavours have been

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employed to foster and establish a division between the Government and the People of the United States. To investigate the causes which have encouraged this attempt is not necessary. But to repel, by decided and united councils, insinuations so derogatory to the honour, and aggressions so dangerous to the Constitution, Union, and even Independence of the Nation, is an indispensable duty.

(No. II.)

Dear Sir,

Paris, Nov. 8th, 1797.

We now inclose you in thirty-six quarto pages of Cypher, and in eight pages of Cyphered Exhibits, the sequel to the details commenced in No. 1. dated the 22d of last month, and have the honour to be,

Your most obedient humble Servants,

CHARLES COTESWORTH PINCKNEY.

J. MARSHALL,

E. GERRY.

Colonel PICKERING.

October 27th, 1797.

About twelve we received another visit from M. X. He immediately mentioned the great event announced in the Papers, and then said, that some proposals from us had been expected on the subject on which we had before conversed; that the Directory were becoming impatient, and would take a decided course with regard to America, if we could not soften them. We answered, that on that subject we had already spoken explicitly, and had nothing farther to add. He mentioned the change in the state of things which had been produced by the Peace with the Emperor, as warranting an expectation of a change in our system; to which we only replied, that this event had been expected by us, and would not in any degree affect our conduct. M. X. urged, that the Directory had, since this Peace, taken a higher and more decided tone with respect to us and all other Neutral Nations than had been before taken; that it had been determined that all Nations should aid them, or be considered and treated as their Enemies. We answered, that such an effect had already been contemplated by us as probable, and had not been overlooked, when we gave to this proposition our decided answer; and further, that we had no powers to negotiate for a Loan of Money; that our Government had not contemplated such a circumstance in any decree whatever; that if we should stipulate a Loan, it should be a perfectly void thing, and would only deceive France and expose ourselves. M. X. again expatiated on the power and violence of France: he urged the danger of  
our



our situation, and pressed the policy of softening them, and of thereby obtaining time. The present men, he said, would very probably not continue long in power; and it would be very unfortunate, if those who might succeed, with better dispositions towards us, should find the two Nations in actual War. We answered, that if War should be made on us by France, it would be so obviously forced on us, that on a change of men Peace might be made with as much facility as the present differences could be accommodated; we added, that all America deprecated a War with France; but that our present situation was more ruinous to us than a declared War would be; that at present our Commerce was plundered unprotected; but that if War was declared, we should seek the means of protection. M. X. said, he hoped we should not form a connection with Britain; and we answered, that we hoped so too; that we had all been engaged in our Revolution War, and felt its injuries; that it had made the deepest impression on us; but that if France should attack us, we must seek the best means of self-defence. M. X. again returned to the subject of money; said he, Gentlemen, you do not speak to the point—it is money: it is expected that you will offer money. We said we had spoken to that point very explicitly: we had given an answer. No, said he, you have not; what is your answer? We replied, it is no; no; not a sixpence. He again called our attention to the dangers which threatened our Country, and asked, if it would not be prudent, though we might not make a Loan to the Nation, to interest an influential friend in our favour. He said, we ought to consider what men we had to treat with; that they disregarded the justice of our claims, and the reasoning with which we might support them; that they disregarded their own Colonies; and considered themselves as perfectly invulnerable with respect to us; that we could only acquire an interest among them by a judicious application of money; and it was for us to consider, whether the situation of our Country did not require that these means should be resorted to. We observed, that the conduct of the French Government was such as to leave us much reason to fear, that, should we give the money, it would effect no good purpose, and would not produce a just mode of thinking with respect to us. He said, that when we employed a Lawyer we gave him a fee, without knowing whether the cause could be gained or not; but it was necessary to have one, and we paid for his services, whether those services were successful or not: so in the present state of things, the money must be advanced for the good offices the individuals were to render, whatever might be the effect.



effect of those good offices. We told him there was no parallel in the cases; that a Lawyer, not being to render the adjudgment, could not command success: he could only endeavour to obtain it; and consequently, we could only pay him for his endeavours; but the Directory could decide on the issue of our Negotiation. It had only to order, that no more American Vessels should be seized, and to direct those now in custody to be restored, and there could be no opposition to the order. He said, that all the Members of the Directory were not disposed to receive our money: that Merlin, for instance, was paid from another quarter, and would touch no part of the Douceur which was to come from us. We replied, that we understood that Merlin was paid by the owners of the Privateers; and he nodded an assent to the fact. He proceeded to press this subject with vast perseverance. He told us that we paid money to obtain Peace with the Algerines and with the Indians; and that it was doing no more to pay France for Peace. To this it was answered, that when our Government commenced a Treaty with either Algiers or the Indian Tribes, it was understood that money was to form the basis of the Treaty, and was its essential Article; that the whole Nation knew it, and was prepared to expect it as a thing of course; but that in treating with France, our Government had supposed that the Proposition, such as he spoke of, would, if made by us, give mortal offence.

He asked, if our Government did not know, that nothing was to be obtained here without money? We replied, that our Government had not even suspected such a state of things.— He appeared surprised at it, and said, there was not an American in Paris who could not have given that information. We told him that the Letters of our Minister had indicated a very contrary temper in the Government of France; and had represented it as acting entirely upon principle, and as feeling a very pure and disinterested affection for America. He looked somewhat surprised, and said briskly to General Pinckney; Well, Sir, you have been a long time in France and in Holland—what do you think of it? General Pinckney answered, that he considered M. X. and M. Y. as men of truth, and of consequence he could have but one opinion on the subject.— He stated, that Hamburgh and other States of Europe were obliged to buy a Peace; and that it would be equally for our interest to do so. Once more he spoke of the danger of a breach with France, and her power, which nothing could resist. We told him, that it would be in vain for us to deny her power, or the solicitude we felt to avoid a contest with it;

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that no Nation estimated her power more highly than America, or wished more to be on amicable terms with her; but that one object was still dearer to us than the friendship of France—which was our National Independence; that America had taken a Neutral station; she had a right to take it; no Nation had a right to force us out of it; that to lend a Sum of Money to a Belligerent Power, abounding in every thing requisite for War but money, was to relinquish our Neutrality, and take part in the War; to lend this money under the lash and coercion of France, was to relinquish the Government of ourselves, and to submit to a Foreign Government imposed upon us by force; that we would make at least one manly struggle before we thus surrendered our National Independence; that our case was different from that of one of the minor Nations of Europe; they were unable to maintain their Independence, and did not expect to do so: America was a great, and so far as concerned her Self-defence, a powerful Nation; she was able to maintain her Independence; and must deserve to lose it, if she permitted it to be wrested from her; that France and Britain had been at War for near fifty years of the last hundred, and might probably be at war for fifty years of the Century to come; that America had no motives which could induce her to involve herself in those Wars; and that, if she now preserved her Neutrality and her Independence, it was most probable that she would not in future be afraid, as she had been for four years past; but if she now surrendered her rights of Self-government to France, or permitted them to be torn from her, she could not expect to recover them, or to remain Neutral in any future War. He said that France had lent us money during our Revolution War, and only required that we should now exhibit the same friendship for her. We answered, that the cases were very different; that America solicited a Loan from France, and left her at liberty to grant or refuse it; but that France demanded it from America, and left us no choice on the subject. We also told him there was another difference in the cases; that the money was lent by France for great National and French objects; it was lent to maim a Rival, and an enemy whom she hated; that the money, if lent by America, would not be for any American objects, but to enable France to extend still further her conquests. The conversation continued for nearly two hours; and the public and private advance of money was pressed and repressed in a variety of forms. At length M. X. said that he did not blame us; that our determination was certainly proper, if we could keep it; but he shewed decidedly his opinion to be that we could not keep it. He said that he would communi-

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cate, as nearly as he could, our conversation to the Minister, or to M. Y. to be given by him to the Minister; we are not certain which. We then separated. On the 22d of October, M. Z. a French Gentleman of respectable character, informed Mr. Gerry, that M. Talleyrand, Minister of Foreign Relations, who professed to be well-disposed towards the United States, had expected to have seen the American Ministers frequently in their private capacities; and to have conferred with them individually on the objects of their mission; and had authorized M. Z. to make this communication to Mr. Gerry. The latter sent for his Colleagues; and a conference was held with M. Z. on the subject, in which Gen. Pinckney and Gen. Marshall expressed their opinions, that not being acquainted with M. Talleyrand, they could not with propriety call on him; but that, according to the custom of France, he might expect this of Mr. Gerry, from a previous acquaintance in America. This, Mr. Gerry reluctantly complied with, on the 23d, and with M. Z. called on M. Talleyrand, who, not being then at his office, appointed the 28th for the interview. After the first introduction, M. Talleyrand began the conference. He said, that the Directory had passed an Arrêté, which he offered for perusal, in which they had demanded of the Envoys an explanation of some parts, and a reparation for others, of the President's Speech to Congress of the 16th of May last; he was sensible, he said, that difficulties would exist on the part of the Envoys, relative to the demand; but that by their offering money, he thought he could prevent the effect of the Arrêté. M. Z. at the request of Mr. Gerry, having stated that the Envoys have no such powers; M. Talleyrand replied, they can in such case take a power on themselves; and proposed that they should make a Loan. Mr. Gerry then addressed M. Talleyrand distinctly in English, which he said he understood, and stated, that the uneasiness of the Directory resulting from the President's Speech was a subject unconnected with the objects of the mission; that M. Barras, in his Speech to Mr. Munroe, on his recal, had expressed himself in a manner

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#### ANSWER OF M. BARRAS,

President of the Executive Directory, to the Speech of Mr. MONROE, on taking leave, to which the Speech of the President of the United States refers.

*M. Le Ministre Plénipotentiaire  
des Etats Unis d'Amérique.*

*En présentant aujourd'hui au  
Directoire Exécutif vos Lettres de*

*Mr. Minister Plenipotentiary of the  
United States of America,*

*By presenting to day your Let-  
ters of Recal to the Executive Di-*



ner displeasing to the Government and Citizens of the United States; that the President, as the Envoys conceived, had made such observations on M. Barras's Speech as were necessary to vindicate the honour of the United States; that this was not considered by our Government as a subject of dispute between the two Nations; that having no instructions respecting it, we could not make any explanations, or reparations relating to it; and that M. Talleyrand himself was sufficiently acquainted

*Rappel, vous donnez à l'Europe un spectacle bien étrange.*

*Le France, riche de sa Liberté, entourée du cortège de ses victoires, forte de l'estime de ses Alliés ne s'abaissera pas à calculer les suites de la condescendance du Gouvernement Américain pour les suggestions de ses anciens tyrans. Le République Française espère, au surplus que les successeurs de Columbus, Ramhigh\*, et Penn, toujours fiers de leur Liberté, n'oublieront jamais qu'ils la doivent à la France. Ils pèseront dans leur sagesse la magnanime bienveillance au Peuple Française avec les astucieuses caresses de quelques perfides qui méditent de le ramener à son antique esclavage. Assurez, M. le Ministre le bon Peuple Américain que comme lui, nous adorons la Liberté; que toujours il aura notre estime et qu'il trouvera dans le Peuple Français, la générosité Republicaine qui sait accorder la paix comme elle fait faire respecter sa souveraineté.*

*Quanta vous, M. le Ministre Plenipotentiaire, vous avez combattu pour les principes, vous avez connu les vrais intérêts de votre patrie—partez avec nos regrets. Nous rendons en vous un représentant à l'Amérique, et nous retenons le souvenir du Citoyen dont les qualités personnelles honoraient ce titre.*

*rectory, you give to Europe a very strange spectacle.*

*France, rich in her liberty, surrounded by a crowd of victories, strong in the esteem of her Allies, will not abase herself by calculating the consequences of the condescension of the American Government to the suggestion of her former Tyrants.—Moreover, the French Republic hopes, that the successors of Columbus, Ramhigh\*, and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh in their wisdom the magnanimous benevolence of the French People with the crafty caresses of certain perfidious persons, who meditate bringing them back to their former slavery: Assure the good American People, Sir, that like them, we adore Liberty; that they will always have our esteem, and that they will find in the French People republican generosity, which knows how to grant Peace as it does to cause its sovereignty to be respected.*

*As to you, Mr. Minister Plenipotentiary, you have combatted for principles, you have known the true interests of your Country.—Depart with our regret. In you we give up a representative to America, and to retain the remembrance of the Citizen whose personal qualities did honour to that title.*

\* \* Probably intended for Raleigh.

acquainted with the Constitution of the United States, to be convinced of the truth of these observations.

Mr. Gerry further stated, that the powers of the Envoys, as they conceived, were adequate to the discussion and adjustment of all points of real difference between the two Nations; that they could alter and amend the Treaty; or, if necessary, form a new one; that the United States were anxiously desirous of removing all causes of complaint between themselves and France, and of renewing their former friendship and intercourse on terms which should be mutually honourable and beneficial to the two Nations; but not on any other terms; that as to a Loan, we had no powers whatever to make one; that if we were to attempt it we should deceive himself and the Directory likewise, which as men of honour we could not do; but that we could send one of our number for instructions on this proposition, if deemed expedient, provided that the other objects of the Negotiation could be discussed and adjusted; that as he had expressed a desire to confer with the envoys individually, it was the wish of Mr. Gerry that such a conference should take place, and their opinions thus be ascertained, which he conceived corresponded with his own in the particulars mentioned. M. Talleyrand, in answer, said, he should be glad to confer with the other Envoys individually, but that this matter about the money must be settled directly, without sending to America; that he would not communicate the Arrêté for a week; and that if we could adjust the difficulty respecting the Speech, an application would nevertheless go to the United States for a Loan. A Courier arrived at this moment from Italy, and M. Talleyrand appearing impatient to read the letters, Mr. Gerry took leave of him immediately. He followed to the door, and desired M. Z. to repeat to Mr. Gerry what he, M. Talleyrand had said to him. Mr. Gerry then returned to his quarters with M. Z. took down the particulars of this interview, as before stated, sent for Generals Pinckney and Marshall, and read it to them in the presence of M. Z. who confirmed it. Generals Pinckney and Marshall then desired M. Z. to inform M. Talleyrand that they had nothing to add to this conference, and did not wish that the Arrêté might be delayed on their Account.

*October 29th.*

M. X. again called on us. He said M. Talleyrand was extremely anxious to be of service to us, and had requested that one more effort should be made to induce us to enable him to be so. A great deal of the same conversation which had passed

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at our former interviews was repeated. The power and the haughtiness of France was again displayed to us. We were told, that *the Destruction of England was inevitable*: and that the Wealth and Arts of that Nation would naturally pass over to America, if that event should find us in peace. To this observation we replied, that France would probably forbid America to receive them, in like manner as she had forbid Switzerland to permit the residence in its country of a British Minister.—We told him also, that we were sensible of the value of Peace, and therefore fought it unremittingly, but that it was real Peace we fought for, and real Peace only which could be desirable.

The sum of his proposition was, that if we would pay, by way of fees (that was his expression) the sum of money demanded for private use, the Directory would not receive us; but would permit us to remain in Paris as we now were; and we should be received by M. Talleyrand, until one of us could go to America and consult our Government on the subject of the Loan. These were the circumstances, he said, under which the Minister of Portugal had treated. We asked him if, in the mean time, the Directory would order the American Property not yet passed into the hands of the Privateersmen, to be restored. He said explicitly that they would not. We asked him, whether they would suspend further depredations on our Commerce? He said they would not: but M. Talleyrand observed, that on this subject we could not sustain much additional injury, because the winter season was approaching, when few additional captures would be made. We told him that France had taken violently from America more than Fifty Millions of Dollars, and treated us in every respect as Enemies, in return of the friendship we had manifested for her; that we had come to endeavour to restore harmony to the two Nations, and to obtain compensation for the injuries our Countrymen sustained, and that in lieu of this compensation, we were told that if we would pay Twelve Hundred Thousand Livres, we might be permitted to remain in Paris; which would only give us the benefit of seeing the Plays and Operas of Paris for the winter, that we might have time to ask from our Country to exhaust her Resources for France, whose depredations would be continued. He again stated, that by this procedure we should suspend a War; and that perhaps in five or six months Power might change hands.

We told him that what we wished to see in France was a temper sincerely friendly to the United States, and really dis-



posed to do us justice; that if we could perceive this, we might not so much regard a little money, such as he stated to be usual, although we should hazard ourselves by giving it; but that we saw only evidences of the most extreme hostility towards us: War was made upon us so far as France could make it in the present state of things; and it was not even proposed, that on receiving our money this War should cease: we had no reason to believe that a possible benefit could result from it; and we desired him to say, that we would not give a shilling, unless American Property unjustly captured was previously restored, and further hostilities suspended; and that unless this was done, we did not conceive that we could even consult our Government concerning a Loan; that if the Directory would receive us and commence Negotiations, and any thing occurred which rendered a consultation of the Government necessary, one of us would return to America for that purpose. He said, that without this money we should be obliged to quit Paris; and that we ought to consider the consequences: the Property of the Americans would be confiscated, and their Vessels in Port embargoed. We told him that unless there was a hope of a reconciliation, these evils could not be prevented by us; and the little delay we might obtain would only increase them; that our Mission had induced many of our Countrymen to trust their Vessels into the Ports of France, and that if we remained in Paris, that very circumstance would increase the number; and consequently the injury which our Countrymen would sustain, if France could permit herself so to violate her own Engagements and the Laws of Nations. He expressed a wish, that M. Y. should see us once more. We told him that a visit from M. Y. as a private Gentleman, would always be agreeable to us: but if he came only with the expectation that we should stipulate advances of money, without previously establishing a solid and permanent reconciliation, he might save himself the trouble of the application, because it was a subject we had considered maturely, and on which we were immoveable. He parted with us, saying, if that was the case it would not be worth while for M. Y. to come. In the evening, while Gen. Pinckney and Gen. Marshall were absent, M. Y. and M. X. called, and were invited by Mr. Gerry to breakfast with us the next morning.

*October 30.*

Immediately after breakfast the subject was resumed. M. Y. spoke without interruption for near an hour. He said that he was desirous of making a last effort to serve us, by proposing

proposing something which might accommodate the differences between the two Nations; that what he was now about to mention had not by any means the approbation of the Directory; nor could M. Talleyrand undertake further than to make from us the proposition to the Directory, and use his influence for its success; that last week M. Talleyrand could not have ventured to have offered such propositions; but that his situation had been very materially changed by the Peace with the Emperor. By that Peace he had acquired in an high degree the confidence of the Directory, and now possessed great influence with that Body; that he was also closely connected with Buonaparte and the Generals of the Army in Italy; and was to be considered as firmly fixed in his post, at least for five or six months: that under these circumstances he could undertake to offer, in our behalf, Propositions which before this increase of influence he could not have hazarded. M. Y. then called our attention to our own situation, and to the force France was capable of bringing to bear upon us. He said that we were the best judges of our capacity to resist, so far as depended on our own resources, and ought not to deceive ourselves on so interesting a subject. The fate of Venice was one which might befall the United States. But he proceeded to observe, it was probable we might rely on forming a League with England. If we had such a reliance, it would fail us.—The situation of England was such, as to compel Pitt to make Peace on the terms of France. A variety of causes were in operation which made such an effect absolutely certain. To say nothing of the opposition in England to the Minister and to the War, an opposition which the fears of the Nation would increase; to say nothing of a War against England which was preparing in the North; an army of one hundred and fifty thousand men, under the command of Buonaparte, spread upon the coast of France, and aided by all the vast resources of his genius, would most probably be enabled to invade England; in which event their Government would be overturned, but should this invasion not be absolutely effected, yet the alarm it would spread through the Nation, the enormous expence it must produce, would infallibly ruin them, if it was to be continued; and would drive them to save themselves by a Peace; that independent of this, France possessed means which would infallibly destroy their Bank, and their whole Paper System. He said he knew very well it was generally conjectured, that Buonaparte would leave Italy, and the Army which had conquered under him, and which adored him; he assured

assured [us that] nothing could be more unfounded than the conjecture; that Buonaparte had for more than ten days left Italy for Rastadt, to preside over the Congress which was formed for adjusting the affairs of the Empire. He said that Pitt himself was so confident of the absolute necessity of Peace, that after the Naval Victory over the Dutch, he had signified his readiness to treat on the same terms he had offered before that Action; we could not then rely on the assistance of England. What, he asked, would be our situation, if Peace should be made with England before our difference with France would be accommodated? But, he continued, if even England should be able to continue the War, and America should unite with her, it would not be in our power to injure France. We might indeed wound her Ally; but if we did, it would be so much the worse for us. After having stated the dangers attending us, if we should engage in the War, he proceeded to the advantages we might derive from a neutral situation: and insisted at large on the wealth which would naturally flow into our Country from the destruction of England.

He next proceeded to detail the propositions which are in substance in the Paper annexed, marked (A.) except that he insisted that we should engage to use our influence with our Government for the Loan. He stated expressly, that the propositions were to be considered as made by us; that M. Talleyrand would not be responsible for the success of any one of them; he would only undertake to use his influence with the Directory in support of them. The proposition, he said, concerning a suspension of Hostilities on the part of France, was one which proceeded entirely from himself: M. Talleyrand had not been consulted upon it; and he could not undertake to say that that Gentleman would consent even to lay it before the Directory. The proposition for an advance to the Government of France, of as much money as was due from it to our Citizens on contract, and as might be determined to be due for vessels improperly captured and condemned, was, he said, indispensable; unless we made that, it was unnecessary to make any other; for the others would not be received.

He expatiated on the vast advantages we should derive from delay; it was, he said, absolutely to gain our cause. He returned to the danger of our situation and the policy of making with France any accommodation which France would assent to. Perhaps, said he, you believe that in returning and exposing to your Countrymen the unreasonableness of the demands of this Government, you will unite them in their resistance to those demands; you are mistaken—you ought to know that the diplomatic skill of France, and the means she possesses



possesses in your Country, are sufficient to enable her, with the French party in America, to throw the blame which will attend the rupture of the negotiations on the Federalists, as you term yourselves, but on the British party, as France terms you; and you may assure yourselves this will be done. He concluded with declarations of being perfectly disinterested; and declared that his only motives for speaking thus freely were his friendship for M. Talleyrand, and his wish to promote the interests and peace of the United States.

We told him that the freedom with which he had spoken, and which was agreeable to us, would induce us to speak freely also, and for once to accompany our view of the present state of things with a retrospect of the past; that America was the only Nation upon earth which felt and had exhibited a real friendship for the Republic of France; that among the Empires round her, which were compelled to bend beneath her power, and to obey her commands, there was not one which had voluntarily acknowledged her Government, or manifested for it spontaneously, any mark of regard. America alone had stepped forward, and given the most unequivocal proofs of a pure and sincere friendship, at a time when almost the whole European world, when Austria, Germany, Prussia, Russia, Spain, Sardinia, Holland, and Britain, were leagued against France;—when her situation was in truth hazardous, and it was dangerous to hold even friendly intercourse with her. America alone stood forward, and openly and boldly avowed her enthusiasm in favour of the Republic, and her deep and sincere interest in her fate.

From that time to the present, the Government and people of the United States have uniformly manifested a sincere and ardent friendship for France, and have, as they conceive, in no single instance, given to this Republic just cause of umbrage: if they have done so, they wish it to be pointed out to them. After the determination of France to break off all regular intercourse with them, they have sent three Envoys Extraordinary to endeavour to make such explanations as might produce reconciliation; these Envoys are prepared to investigate, and wish to investigate any measures which may have given offence—and are persuaded that they can entirely justify the conduct of their Government.—To this distant, unoffending, friendly Republic, what is the conduct and the language of France? Wherever our property can be found, she seizes and takes it from us; unprovoked, she determines to treat us as Enemies, and our making no resistance produces no diminution of hostility against us; she abuses and insults our Government, endeavours to weaken it in the estimation of the People.

recals

reveals her own Minister, refuses to receive ours, and when extraordinary means are taken to make such explanations as may do away misunderstandings, and such alterations in the existing relations of the two Countries, as may be mutually satisfactory, and may tend to produce harmony, the Envoys who bear these powers are not received; they are not permitted to utter the amicable wishes of their Country—but in the haughty style of a master, they are told that unless they will pay a sum to which their resources scarcely extend, that they may expect the vengeance of France, and, like Venice, be erased from the list of Nations: that France will annihilate the only free Republic upon earth, and the only Nation in the universe which has voluntarily manifested for her a cordial and real friendship! What impression must this make upon the mind of America, if without provocation France was determined to make War upon us, unless we purchased Peace? We could not easily believe that even our Money would save us—our Independence would never cease to give offence, and would always furnish a pretext for fresh demands. On the advantages of Neutrality, it was unnecessary to say any thing; all the efforts of our Government were exerted to maintain it; and we would never willingly part with it. With respect to a political connection with Britain, we told him that America had never contemplated it. Whether the danger he represented that Government to be in, was or was not real, he would not undertake to decide—Britain we believed had much reason to wish for Peace; and France had much reason to wish for Peace also: if Peace already existed, it would not change the course America would pursue.

M. Y. manifested the most excessive impatience; he interrupted us and said, This eloquent dissertation might be true; America might have manifested, and he believed had manifested great friendship for France, and had just complaints against her; but he did not come to listen to those complaints. The Minister would, on our request, make for us certain propositions to the Directory;—he had stated them to us; and all the answer he wished was, yes or no; did we or did we not solicit the Minister to make the proposition for us? We told him, that without going further into the discussion, we chose to remark one or two things; they were, that the existing Treaties gave to France certain advantages which were very essential—that especially the American coast afforded a protection near 2000 miles in extent to the prizes made by France on her enemies, and refused that protection to the prizes taken from her; that she might be assured, that in case of War these advantages would be lost for ever. We also told him, we were

were convinced that France miscalculated on the Parties in America; that the extreme injustice offered to our Country would unite every man against her. M. X. informed us that M. Talleyrand would not consent even to lay this proposition before the Directory without previously receiving the Fifty Thousand Pounds, or the greatest part of it. M. Y. left in writing his propositions, and we returned the answer annexed, and marked (B.)

*November 1st.*

It was at length agreed that we would hold no more indirect intercourse with the Government.

*November 3d.*

M. X. called on us, and told General Pinckney and General Marshall (Mr. Gerry not being within) that M. Y. wished once more to see us. We answered, that we should at any time be glad to see M. Y. as a private Gentleman; but that if his object was only to repeat his propositions for money, it was perfectly unnecessary to do so; because on that subject it was impossible for us to change the answer we had already given. We told him further, that we considered it as degrading our Country to carry on further such an indirect intercourse as we had for some time submitted to, and had determined to receive no propositions, unless the persons who bore them had acknowledged authority to treat with us. He said, that perhaps M. Y. might have written powers from the Minister; and we replied, that if he had we should receive his communications with pleasure. He spoke of a probable Peace with England, and, having requested us to be at home in the afternoon, left us.

About three o'clock he came, and after some conversation, in which we repeated in substance what is stated above, he shewed us a Paper, which he said was a copy of a Letter prepared for us by M. Talleyrand, requesting an explanation of part of the President's Speech, and which he said would be sent, unless we came into the Propositions which had been made us. We wished to take a Copy of it, which he declined permitting, saying he was forbidden to allow it. We spoke of the Letter coming to us as a measure we had no expectation of preventing; and he said he could not understand that we wished it delayed. To which we answered, that the delay of a few days could not be desired, unless a hope existed, that the Directory might become more friendly to our country.

He said that intelligence had been received from the United States, that if Colonel Burr and Mr. Maddison had constituted the mission, the differences between the two Nations would have been accommodated before this time. He added,



as a fact he was not instructed to communicate, that M. Talleyrand was preparing a Memorial to be sent out to the United States, complaining of us as being unfriendly to an accommodation with France. We replied to this intelligence from the United States, that the Minister's Correspondents in America took a good deal on themselves, when they undertook to say how the Directory would have received Colonel Burr and Mr. Maddison; and that with respect to the Memorial of M. Talleyrand, it would not be easy for him to convince our Countrymen, that the statements we should make were untrue; if, however, we were confident that our conduct would be condemned, M. Talleyrand might be assured that the fear of censure would not induce us to deserve it: but that we should act in a manner which our own judgments and consciences would approve of; and we trusted we should be supported by the great body of candid and honest men. In this conversation we again stated, that America had taken a neutral position; that she had faithfully sought to preserve it; that a Loan of Money to one of the Belligerent Powers, was directly to take part in the War; and that to take part in the War, against her own judgment and will, under the coercion of France, was to surrender our independence.

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#### EXHIBIT A.

[Inclosed in the Envoy's Letter of November 8, 1797. No. 2.]

The American Envoys shall remain here for six months, in the same manner and upon the same footing, with regard to etiquette, as did M. d'Arjano, the Envoy of Portugal.

#### II.

There shall be named a Commission of five Members, agreeably to a form to be established, for the purpose of deciding upon the reclamations of the Americans, relative to the Prizes made on them by the French Privateers.

#### III.

The American Envoys will engage, that their Government shall pay the indemnifications, or the amount of the sums already decreed to the American Creditors of the French Republic, and by the Commissioners. This payment shall be made under the name of an advance to the French Republic who shall repay it in a time and a manner to be agreed upon.

#### IV. One

## IV.

One of the American Envoys shall return to America, to demand of his Government the necessary Powers to purchase, for cash, the thirty-two millions of Dutch Rescriptions belonging to the French Republic, in case the Envoys should conclude a Treaty which shall be approved by the two Nations.

## V.

In the interval, the Definitive Treaty shall proceed for the termination of all differences existing between the French Republic and the United States, so as that the Treaty may be concluded immediately on the return of the Deputy.

## VI.

The question of the role d'equipage shall remain suspended until the return of the Deputy, and the Commission shall not pronounce upon any reclamation where this point shall be in question.

## VII.

During the six months granted for the going and returning of the Deputy, hostilities against the Americans shall be suspended as well as the process for condemnation before the Tribunals: and the money of the prizes already condemned, in the hands of the Civil Officers of the nation shall remain there, without being delivered to the privateers-men, until the return of the Deputy.

## EXHIBIT B.

[Received with the Envoy's Letter, No. 2, dated 8th November, 1797.]

The Envoys Extraordinary and Ministers Plenipotentiary of the United States, cannot avoid observing the very unusual situation in which they are placed, by the manner in which they are alone permitted to make communications on the objects of their mission: They are called upon to pledge their Country to a very great amount, to answer demands which appear to them as extraordinary as they were unexpected, without being permitted to discuss the reason, the justice, or the policy on which those demands are

founded, and not only without assurances that the rights of the United States will in future be respected, but without a document to prove that those to whom they are required to open themselves without reserve, and at whose instance they are called on to sacrifice so much, are empowered, even by the Minister, to hold any communication with them: Yet such is the anxious and real solicitude of the Envoys to seize any occasion which may afford a hope, however distant, of coming to those explanations which they so much wish to make with this Republic, that they pass over the uncommon and informal modes which have been adopted, and will only consider the Propositions themselves.

## I.

The Ministers of the United States will permit no personal considerations to influence their Negotiations with the French Republic. Although they expected the extraordinary means adopted by their Government to reconcile itself to that of France would have been received with some degree of attention, yet they are too solicitous to enter upon the important and interesting duty of their Mission, to permit themselves to be restrained by forms and etiquette.

## II.

On this Article it is believed there can be no disagreement.

## III.

This Article, as explained, would oblige the United States to advance, not to their own Citizens, but to the Government of France, sums equivalent to the depredations made by the Corsairs of the Republic on the American Commerce, and to the Contracts made with their Citizens by France; and this advance, instead of benefiting the Citizens of the United States, would leave them precisely what they are now, the Creditors of the French Republic; the more extensive the depredations, and the more considerable the contracts uncomplished with, the more would the Government of France receive from the United States. Independent of these objections, the Ministers of the United States cannot engage to assume, in any form, the debts due from France to their Fellow-citizens: they have no such power.

## IV.

If the Negotiations be opened, and the Propositions for a Loan, or any other Propositions, exceeding the powers of the



the Ministers, be made, the Government of the United States will be consulted thereon with expedition.

## V.

This or any other Proposition, having for its object the claims of the two Nations on each other, or an accommodation of differences, will be embraced with ardour by the Ministers of the United States.

## VI.

It cannot escape notice, that the question of the *Rôle d'Equipage* may involve in it every vessel taken from the United States: the Ministers, however, consider it, and wish to take it up as a subject of Negotiation.

## VII.

On this article it is only to be observed, that the season of the year is such, as probably to render a return within six months, of the Envoy who might sail to the United States, impracticable: provision should be made for such an event.

If the difficulties attending the propositions for a Loan and a compensation for past injuries be such as to require time for their removal, the Ministers of the United States propose that the discussions on the relative situation of the two Countries, may commence in the usual forms; that the relation to each other may be so regulated, as to obviate future misunderstandings; and that the adjustment of the claims of the Citizens of the United States, whose vessels have been captured, may be made after a decision on the point first mentioned.

No diplomatic gratification can precede the ratification of the Treaty.

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(No. III.)

*Paris, November 27, 1797.*

DEAR SIR,

On the 11th instant we transmitted the following Official Letter to the Minister of Foreign Affairs.

*" Citizen Minister,*

*" The Undersigned Envoys Extraordinary and Ministers Plenipotentiary of the United States of America to the French Republic, had the honour of announcing to you officially, on the 6th of October, their arrival at Paris, and*

of presenting to you on the 8th, a Copy of their Letters of Credence. Your declaration at that time, that a Report on American Affairs was then preparing, and would in a few days be laid before the Directory, whose decision thereon should, without delay, be made known, has hitherto imposed silence on them. For this communication they have waited with that anxious solicitude which so interesting an event could not fail to excite, and with that respect which is due to the Government of France. They have not yet received it; and so much time has been permitted to elapse, so critical is the situation of many of their Countrymen, and so embarrassing is that of the undersigned, both as it respects themselves and the Government they represent, that they can no longer dispense with the duty of soliciting your attention to their Mission.

“ The United States, Citizen Minister, at an epoch which evinced their sincerity, have given incontestible proofs of their ardent friendship, or their affection for the French Republic; these were the result, not of their unparalleled prowess and power, but of their confidence in her justice and magnanimity; and in such high estimation was the *reciprocity* of her friendship held by them, as to have been a primary object of national concern. The preservation of it was dear to them; the loss of it, a subject of unfeigned regret, and the recovery of it, by every measure which shall consist with the rights of an independent Nation, engages their constant attention. The Government of the United States, we are authorised to declare, has examined, with the most scrupulous justice, its conduct towards its former friend. It has been led to this by a sincere desire to remove of itself every just cause of complaint; conceiving that, with the most upright intentions, such cause may probably exist; and although the strictest search has produced no self-reproach, although the Government is conscious that it has uniformly sought to preserve, with fidelity, its engagements to France, yet far from wishing to exercise the privilege of judging for itself, on its own course of reasoning, and the lights in its own possession, it invites fair and candid discussion; it solicits a reconsideration of the past; it is persuaded its intentions, its views, and its actions, must have been misrepresented and misunderstood; it is convinced, the essential interests of both Nations will be promoted by Reconciliation and Peace, and it cherishes the  
hope

hope of meeting with similar dispositions on the part of the Directory.

"Guided by these sentiments, the President of the United States has given it in charge to the Undersigned to state to the Executive Directory the deep regret which he feels at the loss or suspension of the harmony and friendly intercourse which subsisted between the two Republics, and his sincere wish to restore them; to discuss candidly the complaints of France, and to offer frankly those of the United States; and he has authorised a review of existing Treaties, and such alterations thereof as shall consist with the mutual interest and satisfaction of the contracting parties.

"This task the Undersigned are anxious to commence: and truly happy will they be, if their exertions can in any degree contribute to restore that friendship, that mutual interchange of good offices which it is alike their wish and their duty to effect between the Citizens of the two Republics.

"The Undersigned pray you, Citizen Minister, to present this communication to the Executive Directory, and to receive the assurance of their most perfect consideration.

(Signed)

CHARLES COTESWORTH PINCKNEY.

J. MARSHALL.

ELBRIDGE GERRY.

*Paris, Nov. 11, in the 22d  
Year of the American Independence.*

"To the Minister of Foreign Affairs  
of the French Republic."

No answer having been given to it on the 21st instant, we requested Major Rutledge to wait on the Minister, and inquire of him whether he had communicated the Letter to the Directory, and whether we might expect an answer: he replied that he had submitted our Letter to them, and that they would direct him what steps to pursue, of which we should be informed. We have not however hitherto received any official intimation relative to this business: we are not yet received; and the condemnation of our Vessels for want of a Role d'Equipage is unremittingly continued. Frequent and urgent attempts have been made to inveigle us again into Negotiation with persons not officially authorised, of which the obtaining money is the basis; but we have



have persisted in declining to have any further communication relative to diplomatic business with persons of that description; and we mean to adhere to this determination. We are sorry to inform you, that the present disposition of the Government of this Country appears to be as unfriendly towards ours as ever, and that we have very little prospect of succeeding in our Mission.

We have the honour to be,

Your most obedient humble Servants,  
**CHARLES COTESWORTH PINCKNEY.**  
**J. MARSHALL.**  
**E. GERRY.**

*Col. Pickering.*

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(No. IV.)

DEAR SIR,

*Paris, Dec. 24, 1797.*

We have not yet received any answer to our Official Letter to the Minister of Foreign Affairs, dated the eleventh of last month, and mentioned in Number Three; but reiterated attempts have been made to engage us in Negotiation with persons not officially authorized: and you will find by the Exhibits marked A. B. and C. herewith sent, some important information relative to the views and intentions of the French Government with respect to ours. We are all of opinion, that if we were to remain here for six months longer, without we were to stipulate the payment of money, and a great deal of it, in some shape or other, we should not be able to effectuate the objects of our Mission, should we be even officially received; unless the projected attempt on England was to fail, or a total change take place in the persons who at present direct the affairs of this Government. In this situation of matters, we are determined, by the tenth of next month, should they remain as they are, to transmit another letter to the Minister, representing as far as may be expedient the views of our Government.

We have the honour to be,

Your most obedient humble Servants,  
**CHARLES COTESWORTH PINCKNEY.**  
**J. MARSHALL.**  
**E. GERRY.**

EXHIBIT

## EXHIBIT A.

[Inclosed in the Envoys' Letter, No. 4.]

On the 14th of December, M. X. called on me in order, as he said, to gain some information relative to some lands in - - - purchased by - - - for whom - - -. Soon afterwards Gen. Marshall came in, and then Mr. Gerry's carriage drove into the yard. Here's Mr. Gerry, said General Marshall. I am glad of it, said M. X. for I wished to meet all of you gentlemen, to inform you that M. Y. had another message to you from M. Talleyrand. I immediately expressed my surprize at it, as M. Talleyrand, M. Y. and he, all knew our determination to have no further communication on the subject of our Mission, with persons not officially authorized. He replied, that determination was made six weeks ago; and it was presumed that we had changed our opinion. I said that I had not; and I did not believe my Colleagues had. At that moment Mr. Gerry entered the room, and I privately acquainted him with the object of M. X.'s visit. General Marshall, Mr. Gerry, and myself then withdrew into another room, and immediately agreed to adhere to our former resolution. M. X. was then called in: when I acquainted him, in a few words, with our determination; and Mr. Gerry expatiated more at large on the propriety of our acting in this manner, and on the very unprecedented way in which we had been treated since our arrival.

On the 20th of December, a Lady, who is well acquainted with M. Talleyrand, expressed to me her concern that we were still in so unsettled a situation; but, adds she, why will you not lend us money? If you would but make us a Loan, all matters would be adjusted; and she added, when you were contending for your Revolution, we lent you money. I mentioned the very great difference there was between the situation of the two Countries at that period and the present; and the very different circumstances under which the Loan was made us, and the Loan demanded from us. She replied, we do not make a demand; we think it more delicate that the offer should come from you. But M. Talleyrand has mentioned to me (who am surely not in his confidence), the necessity of your making us a Loan: and I know that he has mentioned it to two or three others, and that you have been informed of it. And I will assure

assure you, that if you remain here six months longer you would not advance a single step further in your Negotiations, without a Loan. If that is the case, I replied, we may as well go away now. Why, that possibly, said she, might lead to a rupture, which you had better avoid: for we know we have a very considerable Party in America, who are strongly in our interest. There is no occasion to enter into a further detail of the conversation. I have only noted this part of it as expressive of what I believe, (as far as relates to the Loan and Party in America in their favour) to be the sentiments of the French Government with regard to us.

CH. COTESWORTH PINCKNEY.

*Dec. 21, 1797.*

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EXHIBIT B.

[Inclosed in the Envoys' Letter, No. 4.]

Extract from General Marshall's Journal, Dec. 17, 1797. I stepped into Mr. Gerry's apartment, where I saw M. Y. He expressed his regret at having been disabled to dine with us at M. de Beaumarchais, by an inveterate tooth-ach. He then asked me whether I had seen M. de Beaumarchais lately: I told him, not since he dined with us; and that he had left us much indisposed. He then observed, that he had not known till lately that I was the Advocate for that Gentleman in his cause against the State of Virginia! and that M. de Beaumarchais, in consequence of that circumstance, had expressed sentiments of high regard for me. I replied, that M. de Beaumarchais' cause was of great magnitude, very uncertain in issue, and consequently that a portion of the interest he felt in it would very naturally be transferred to his Advocate. He immediately said (low and apart) that M. de Beaumarchais had consented, provided his claim could be established, to sacrifice fifty thousand pounds sterling of it, as the private gratification which had been required of us, so that the gratification might be made without any actual loss to the American Government. I answered, that a gratification on any terms, or in any form, was a subject which we approached with much fear and difficulty, as we were not authorized by our Government to make one; nor had it been expected that one would  
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be necessary ; that I could not undertake to say whether my Colleagues would consent to it in any state of things ; but I could undertake to say, no one of us would consent to it unless it was preceded or accompanied by a full and entire recognition of the claims of our Citizens, and a satisfactory arrangement on the objects of our mission. He said it was in the expectation of that event only that he mentioned it. We parted ; and I stated the conversation to General Pinckney, who was disinclined to any stipulation of the sort, and considered it as a renewal of the old reprobated system of indirect, unauthorized negotiation.

Having been originally the Counsel of M. de Beaumarchais, I had determined, and so I informed General Pinckney, that I would not, by my voice, establish any agreement in his favour ; but that I would positively oppose any admission of the claim of any French Citizen, if not accompanied with the admission of the claims of the American Citizens of property captured and condemned for want of a *role d'equipage*. My reasons for conceiving that this ought to be stipulated expressly, was a conviction that if it was referred to commissioners, it would be committing absolutely to chance as complete a right as any individuals ever possessed. General Pinckney was against admitting the claim at any rate.

After my return, Mr. Gerry came into my room, and told me that M. Y. had called on him, to accompany him on a visit to M. Talleyrand ; that he proposed seeing M. Talleyrand, and returning the civility of the dinner, and endeavouring to bring about some intercourse between him and us.

*Dec. 18.*

Gen. Pinckney and Mr. Gerry met in my room ; and Mr. Gerry detailed to us the conversation mentioned in our public Letter. The proposition relative to the claim of M. de Beaumarchais is entirely different from my understanding of it in the very brief statement made to me by M. Y. We resolved that we would rigidly adhere to the rule we had adopted, to enter into no Negotiation with persons not formally authorized to treat with us. We came also to the determination to prepare a Letter to the Minister of Foreign Relations, stating the object of our Mission, and discussing the subjects of difference between the two Nations, in like manner as if we had been actually received ; and to

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close the Letter with requesting the Government to open the Negotiation with us, or to grant us our passports.

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EXHIBIT C.

[Inclosed in the Envoy's Letter; No. 4.]

*Dec. 13.*

Mr. Gerry, accidentally calling on Gen. Pinckney, found M. X. and was soon informed that his object was to obtain another interview between the Ministers and M. Y. on the affairs of their mission. General Marshall happening also to be there, we retired into another room, and immediately agreed to adhere to our former determination, not to have any more informal communications. M. X. having been called in, General Pinckney briefly communicated our determination: and Mr. Gerry observed, that he was much hurt by this proposition; that the Ministers had already proceeded farther in this mode of communication than perhaps they could justify; that they had refused, six weeks ago, to renew it; and that some regard ought to be paid to their feelings, which had been sufficiently mortified; that the proposition was disrespectful to the Envoys, as it betrayed a belief that they had lost a sense of their dignity, and were indeed incompetent to their office; that had there been but one Envoy Extraordinary, he ought to have had an audience in a few days; and that for three to remain between two and three months in this situation, was too humiliating, too debasing for any Nation to submit to it; that for his own part, had he been sent to any other Nation in Europe, with two other Envoys, he would not have consented to have remained in such a state ten days; that, knowing the great desire of the Government and Nation of the United States to be at peace with France, he had, with his colleagues submitted to this indignity, at the risk of the severe censure of the former. Having also enquired of M. X. at what time M. Talleyrand could be seen, the former said he would enquire of M. Y. who on the 16th, in the evening, sent in Mr. Gerry's absence from his lodgings, a billet as follows: "M. Y. has the honour to present his respects to Mr. Gerry, to inform him that he will have the honour to wait on him to-morrow morning, at ten o'clock, to go together to the Minister of Foreign Relations

Relations. He is with respect," &c. On the morning of the 17th, M. Y. came in while Mr. Gerry was at breakfast, not having received an answer to his note, and Mr. Marshall coming in, M. Y. took him aside and conferred with him a considerable time, after which the former and the rest of the family left the room, and M. Y. and Mr. Gerry being together, Mr. G. told him that his object in seeing M. Talleyrand was to return a civility, by requesting him to fix a day for dining with Mr. G. who intended to invite his colleagues; by this interview to promote, if possible, a better understanding between the Minister and the American Envoys; and Mr. G. also proposed to confer with the Minister on the disagreeable situation the Envoys were in, and to state to him some reports which appeared to be founded, respecting a proposition before the Directory for sending off all Americans in a short period; but Mr. Gerry added, that he could not hear a word on the subject of the mission, or the preliminaries to a negociation; as the Envoys had determined unanimously against any informal communications on the subject. M. Y. in answer said, that Mr. Marshall had just heard him on a subject of this kind; and that we might consider it as he did, merely as a conversation between ourselves. He then stated that two measures which M. Talleyrand proposed being adopted, a restoration of friendship between the Republics would follow immediately; the one was a gratuity of fifty thousand pounds sterling, the other a purchase of thirty two millions of Dutch rescriptions; that as to the first Mons. de Beaumarchais had received, in a cause depending in Virginia, between that State and himself, 145,000 pounds sterling, that there was an appeal from the judgment; and that he would sign an act to relinquish forty-five thousand pounds, if the whole should be finally recovered, leaving only one hundred thousand pounds for himself; that the forty-five thousand pounds might accrue to the United States, who would in that case, lose but a small part of the fifty thousand pounds; that the purchase of sixteen millions of Rescriptions would amount to but one million, three hundred thirty-three thousand (pounds) six shillings and eight-pence sterling, which, with an interest of five per cent. would be certainly paid by the Government of Holland to the United States, and leave them without any loss, that more than half the sum may now be hired in Holland, on the



credit of the Rescriptions, and an easy arrangement be made for payment by short installments, which might be obtained also by a loan; that it was worthy the attention of the Envoys to consider, whether by so small a sacrifice they would establish a Peace with France, or whether they would risk the consequences; that if nothing could be done by the Envoys, arrangement would be made forthwith to ravage the coasts of the United States by Frigates from St. Domingo; that small states which had offended France were suffering by it; that Hamburgh and other Cities in that quarter would within a month or two have their Governments changed; that Switzerland would undergo the same operation; and that Portugal would probably be in a worse predicament; that the expedition against England would be certainly pursued; and that the present period was the most favourable, if we wished to adopt any measure for a pacification.

Mr. Gerry, in answer, said, that if the French were disposed to pursue with vengeance the United States, they might perhaps ravage the Coasts, and injure them in this way, but they never could subdue them; the measure he thought utterly impracticable, even if attempted by France and her Allies. To which M. Y. assented. Mr. Gerry observed further, that the ravages alluded to would undoubtedly closely connect the United States and Great Britain, and prevent the former from returning to the friendship which they have ever had for France; that as to the Propositions, he should express no opinion on them; that his situation and that of his Colleagues was extremely difficult; that the Directory was exclusively prejudiced against the Government of the United States, and considered them as the friends of Great Britain; that if the Envoys could have an opportunity of being heard, they could remove such impressions, and show, that the Government were the friends of France as much as of Great Britain; but that the Envoys were now in the most painful situation; that they were treated, in the eyes of all Europe, and of the American Government and Nation, with the utmost contempt, and were submitting to indignities which they could not reconcile to their feelings, or justify to their Constituents.

M. Y. said, that the observations were just: but that the American Envoys had not experienced worse treatment than the

the other Ministers, nor indeed as bad; that the Envoy of Portugal was again ordered to depart; and that but little ceremony was observed to the Envoys in general. M. Y. and Mr. Gerry then took a ride to M. Talleyrand's Bureau, who received them politely: and after being seated, Mr. Gerry observed to M. Talleyrand, in English, slowly, that M. Y. had stated to him that morning some Propositions as coming from M. Talleyrand, respecting which Mr. G. could give no opinion: that his object at this interview was, to request of him information whether he would fix a time for taking a dinner with Mr. Gerry, at which he proposed to invite his Colleagues; that he wished for more frequent interviews of some kind or other between himself and the Envoys; conceiving that many imaginary difficulties which obstructed the Negotiation would vanish by this means; and that those which were real would be surmounted; that conceiving the delicate part which the Minister of France had to act; at this time, he did not wish M. Talleyrand to accept the invitation as it would subject him to inconveniencies: that he wished to speak on another subject; and it was painful to him acknowledge that the precarious situation of the Envoys was such as to render it impossible for them to take measures for decent arrangements; that a short time since he had supposed measures were taking a favourable turn; but that lately he had received, from various quarters, information of a report made by the Minister of the Interior, and under the consideration of the Directory, for sending all Americans from Paris in twenty-four hours; that he could not be responsible for the truth of the information, but it appeared to him, as well from the various quarters from which it came, as from the intelligence of the persons who gave it, to be highly probable; that if this was the case, it was unnecessary for the Directory, as he conceived, to pass any Arrete, as it respected the Envoys, for that they would depart from Paris whenever it was hinted as the wish of the Directory; that for his own part he should feel more at ease, until we were received, to reside in a city of some other nation than that of France; and to return to Paris on notice that the Directory were disposed to open the negotiation.

M. Talleyrand appeared to be very uneasy at this declaration, but avoided saying a word on it. He said, that the information M. Y. had given me was just, and might always be

be relied on, but that he would reduce to writing his propositions; which he accordingly did; and after he had shewn them to Mr. Gerry, he burnt the paper. The substance was as follows. (See No. 1. below.)

He then said that he accepted of the invitation; that he would dine with him the decade after the present, in which he was engaged.

Mr. Gerry did not repeat all that he had said to M. Y. having no doubt he would communicate the whole to M. Talleyrand. And, after expressing a friendship for the French Republic, and a warm desire to renew the former attachment of the two Republics, which M. Talleyrand warmly reciprocated, Mr. Gerry bid Talleyrand adieu, leaving with him M. Y.

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(No. 1.)

That the Envoys should come forward generally and say:

“ France has been serviceable to the United States, and now they wish to be serviceable to France: understanding that the French Republic has 16 Millions of Dutch Rescriptions to sell, the United States will purchase them at par, and will give her further assistance when in their power,

“ The first arrangement being made, the French Government will take measures for reimbursing the equitable demands of America arising from Prizes, and to give free Navigation to their Ships in future.”

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(No. 5.)

*Paris, Jan. 8, 1798.*

DEAR SIR,

We embrace an unexpected opportunity to send you the “ Redacteur,” of the 5th inst. containing the Message of the Directory to the Council of Five Hundred, urging the necessity of a law to declare as good prize all Neutral Ships having on board Merchandizes and Commodities, the production of England, or of the English possessions, that the Flag, as they term it, may no longer cover the Property; and declaring further, that the Ports of France, except in case of distress, shall be shut against all Neutral Ships, which,



which, in the course of their voyage, shall have touched at an English Port. A Commission has been appointed to report on the Message, and it is expected that a Decree will be passed in conformity to it.

Nothing new has occurred since our last, in date of 24th ult. We can only repeat, that there exists no hope of our being officially received by this Government, or that the objects of our mission will be in any way accomplished. We have the honour to be, with great respect, your most obedient Servants,

CHARLES COTESWORTH PINCKENY.  
J. MARSHALL.  
E. GERRY.

*T. Pickering, Esq.*

*Postscript to a triplicate of the Envoys' Letter, No. 5,  
received 30th March, 1798.*

The Law above-mentioned has been passed unanimously by the Council of Five Hundred, and we inclose a Journal containing the account.—There is no doubt but that it will be adopted without opposition, by the Council of Ancients.

#### TRANSLATION.

*Message to the Council of Five Hundred, of the 15th Nivose,  
6th year, (4th Jan. 1798.)*

*Citizens Representatives,*

On this day, the 15th of Nivose, and at the very hour at which the Executive Directory addressed this Message to you, the Municipal Administrators, the Justices of the Peace, the Commissaries of the Directory, and the Superintendants of the Customs, are proceeding, in all the chief places of the Departments, in all the Ports, and in all the principal Communes of the Republic, to seize the English Merchandize now in France, or introduced into its territory, in contravention of the Law of the 10th Brumaire, 5th year (October 31, 1796.)

Such is the first act by which, now that Peace is given to the Continent, the War declared long since against England, is about to assume the real character that becomes it. The French will not suffer a power, which seeks to found its prosperity upon the misfortunes of other Nations to raise its commerce upon the ruins of that of other States, and which  
aspiring

aspiring to the dominion of the Seas, wishes to introduce, every where the articles of its own Manufacture, and to receive nothing from Foreign industry—any longer to enjoy the fruit of its guilty speculations.

The English Government has kept in pay, during the War, the Coalesced Forces with the produce of its Manufactures. It has violated all the principles of the Law of Nations, in order to shackle the relation of Neutral Powers : it has caused to be seized the Provisions, Corn, and Commodities which it supposed to be destined for France : It has declared contraband every thing which it thought could be useful to the Republic : It desired to starve it.—All the Citizens call for vengeance.

When it had to fear the capture of vessels sailing under its Flag, it corrupted Foreign Captains to induce them to take on board their vessels English Merchandize, and thus to introduce it, by stratagem, by fraud, or otherwise, into other States, and especially into the French Republic.

The Neutral Powers should have perceived, that, by this conduct, their Merchants took part in the War, and that they lent assistance to one of the Belligerent Powers.

We serve a Party as well when we procure for it the means of augmenting its forces, as when we unite ourselves to those which it has. The Neutral Powers should have perceived, that England, by stopping the Vessels of other Powers, laden in their respective Ports, and destined for France, by permitting Articles, coming from her own Manufactories, alone to circulate, aimed at an exclusive Commerce, and that it would be necessary to seek reparation for such an attempt.

The ordinance of the Marine, and the regulations of 1704, have declared lawful prize, the vessels and their cargoes in which is found English merchandize belonging to enemies. These provisions should be extended. The interest of Europe requires it.

The Directory thinks it urgent and necessary to pass a Law declaring that the character of vessels, relative to their quality of Neutral or Enemy, shall be determined by their cargo, and the cargo shall be no longer covered by the Flag; in consequence, that every vessel found at sea, having on board English provisions and merchandize as her cargo, in whole or in part, shall be declared lawful prize, whosoever may be the proprietor of these provisions or merchandize :  
which

which shall be reputed contraband, for this cause alone, that they come from England or her possessions.

It would be useful to declare, at the same time, that except in the case of distress, the ports of the Republic shall be shut to all Foreign Vessels, which, in the course of their voyage, shall have entered those of England. The Executive Directory requests you, Citizens Representatives, to adopt these measures. No Neutral or Allied Power can mistake their object, nor complain of them, unless it be already abandoned to England. The infallible effect of the measure is to enhance the value of the produce of their own soil and industry, to increase the prosperity of their Commerce, to repel every thing that comes from England, and essentially to influence the conclusion of the War.

Such are the motives which induce the Executive Directory to invite you, Citizens representatives, to take the object of this Message into the most prompt consideration.

(Signed) P. BARRAS, President.

LAGARDE, Secretary General.

*Plan of a Decree reported by M. Villars to the Council of Five Hundred. in its sitting of the fifth of January, 1798, translated from a Paris Paper entitled Journal du Soir, of the same day, inclosed in the triplicate of the Envoys' letter,*

*No. 5, dated 8th January 1798.*

" First. The character of a vessel, relative to the quality of Neuter or Enemy, is determined by her cargo.

" In consequence, every vessel loaded in whole or in part with English Merchandize, is declared lawful prize, whoever the owner of the said merchandize may be.

" 2d. Every foreign vessel, which, in the course of her voyage, shall have entered an English Port, shall not enter France, except in case of distress: she shall depart thence as soon as the causes of her entry shall have ceased."

This Decree was immediately and unanimously adopted.

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INSTRUCTIONS



## INSTRUCTIONS

TO CHARLES COTESWORTH PINCKNEY,  
JOHN MARSHALL, AND ELBRIDGE GERRY,  
Envoys Extraordinary and Ministers Plenipotentiary to the  
French Republic, referred to in the Message of the Pre-  
sident of the United States of the 3d instant.

*Department of State, July 15, 1797.*

GENTLEMEN,

It is known to you, that the People of the United States of America entertained a warm and sincere affection for the People of France, ever since their arms were united in the War with Great Britain, which ended in the full and formal acknowledgement of the independence of these States. It is known to you that this affection was ardent, when the French determined to reform their Government and establish it on the basis of Liberty; that Liberty in which the People of the United States were born, and which in the conclusion of the War above-mentioned was finally and firmly secured. It is known to you, that this affection rose to enthusiasm, when the war was kindled between France and the Powers of Europe, which were combined against her for the avowed purpose of restoring the Monarchy; and every where vows were heard for the success of the French arms. Yet during this period France expressed no wish that the United States should depart from their neutrality. And while no duty required us to enter into the war, and our best interests urged us to remain at Peace, the Government determined to take a neutral station; which being taken, the duties of an impartial Neutrality became indispensibly binding. Hence the Government early proclaimed to our Citizens the nature of those duties, and the consequences of their violation.

The Minister of France, Mr. Genet, who arrived about this time, by his public declaration, confirmed the idea, that France did not desire us to quit the ground we had taken.—His measures, however, were calculated to destroy our Neutrality, and to draw us into the War.

The principles of the Proclamation of Neutrality founded on the Law of Nations, which is the Law of the Land, were afterwards recognized by the National Legislature, and the observance of them enforced by specific Penalties, in the Act of Congress, passed the 5th of June, 1794. By these principles and laws the Acts of the Executive and the decisions of the Courts of the United States were regulated.

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A Government thus fair and upright in its principles, and just and impartial in its conduct, might have confidently hoped to be secure against formal official censure; but the United States have not been so fortunate. The Acts of their Government, in its various branches, though pure in principle and impartial in operation, and conformable to their indispensable rights of Sovereignty, have been assigned as the cause of the offensive and injurious measures of the French Republic. For proofs of the former, all the Acts of the Government may be vouched; while the aspersions so freely uttered by the French Ministers, the refusal to hear the Minister of the United States, specially charged to enter on amicable discussions on all the topics of complaint, the Decrees of the Executive Directory and of their Agents, the depredations on our Commerce, and the violence against the Persons of our Citizens, are evidences of the latter. These injuries and depredations will constitute an important subject of your discussions with the Government of the French Republic; and for all these wrongs you will seek redress.

In respect to the depredations on our Commerce, the principal objects will be to agree to an equitable mode of examining and deciding the claims of our Citizens, and the manner and periods of making them compensation. As to the first, the Seventh Article of the British, and the Twenty-first of the Spanish Treaty, present approved precedents to be adopted with France. The proposed mode of adjusting those claims by Commissioners appointed on each side, is so perfectly fair we cannot imagine it will be refused. But when the claims are adjusted, if payment in specie cannot be obtained, it may be found necessary to agree, in behalf of our Citizens, that they shall accept Public Securities payable with Interest at such periods as the state of the French Finances shall render practicable. These periods you will endeavour as far as possible to shorten.

Not only the recent depredations under colour of the decrees of the Directory of the 2d of July, 1796, and the 2d of March 1797, or under the decrees of their agents, or the illegal sentences of their tribunals, but all prior ones not already satisfactorily adjusted, should be put in this equitable train of settlement. To cancel many or all the last mentioned claims might be the effect of the Decree of the Executive Directory of the 2d of March last, receiving the Decree of the 9th of May, 1793: but this being an *ex post facto* regulation, as well as a violation of the Treaty between the United States and France, cannot be obligatory on the former. Indeed the

greater part, probably nearly all the Captures and Confiscations in question, have been committed in direct violation of that Treaty, or of the Law of Nations. But the injuries arising from the capture of Enemies property in Vessels of the United States may not be very extensive; and if for such captured property the French Government will, agreeably to the Law of Nations, pay the freight and reasonable demurrage, we shall not on this account any farther contend. But of Ship Timber and Naval Stores taken and confiscated by the French, they ought to pay the full value; because our Citizens continued their traffic in those articles under the faith of the Treaty with France. On these two points we ought to expect that the French Government will not refuse to do justice: and the more because it has not, at any period of the War, expressed its desire that the Commercial Treaty should in these respects be altered.

Besides the claims of our Citizens for depredations on their Property, there are many arising from express contracts made with the French Government, or its Agents, or founded on the seizure of their property in French Ports. Other claims have arisen from the long detention of a multitude of our Vessels in the Ports of France. The wrong hereby done to our Citizens was acknowledged by the French Government, and in some, perhaps in most of the cases, small payments towards indemnifications have been made: the residue still remains to be claimed.

All these just demands of our Citizens will merit your attention. The best possible means of compensation must be attempted. These will depend on what you shall discover to be practicable in relation to the French Finances. But an exception must be made in respect to debts due to our Citizens by the contracts of the French Government and its Agents, if they are comprehended in any Stipulation; and an option reserved to them, jointly or individually, either to accept the means of payment which you shall stipulate, or resort to the French Government directly, for the fulfilment of its contracts.

Although the reparation for losses sustained by the Citizens of the United States, in consequence of irregular or illegal captures or condemnations, or forcible seizures or detentions, is of very high importance, and is to be impressed with the greatest earnestness, yet it is not to be insisted on as an indispensable condition of the proposed Treaty. You are not, however, to renounce these claims of our Citizens, nor to stipulate that they be assumed by the United States as a Loan to the French Government.

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In respect to the alterations of the Commercial Treaty with France, in the two cases which have been principal subjects of complaint on her part, viz. Enemies property in Neutral Ships, and the Articles contraband of War; although France can have no right to claim the annulling of Stipulations at the moment when, by both parties, they were originally intended to operate; yet if the French Government press for alterations, the President has no difficulty in substituting the principles of the Law of Nations, as stated in the 17th and 18th Articles of our Commercial Treaty with Great Britain, to those of the 23d and 24th Articles of our Commercial Treaty: and in respect to Provisions, and other Articles not usually deemed contraband, you are to agree only on a temporary compromise, like that in the 18th Article of the British Treaty, and of the same duration. If, however, in order to satisfy France, now she is at War, we change the two important Articles beforementioned, then the 14th Article of the French Treaty, which subjects the Property of the Neutral Nation found on board Enemies Ships to capture and condemnation, must of course be abolished.

We have witnessed so many erroneous constructions of the Treaty with France, even in its plainest parts, it will be necessary to examine every Article critically, for the purpose of preventing, as far as human wisdom can prevent, all future misinterpretations. The kind of documents necessary for the protection of the Neutral Vessels should be enumerated, and minutely described; the cases in which a Sea-letter should be required may be specified; the want of a Sea-letter should not of itself be a cause of confiscation, where other reasonable proof of property is produced; and where such proof is furnished, the want of a Sea-letter should go no further than to save the captor from damages for detaining and bringing in the Neutral Vessel. The proportions of the Vessel's crew which may be foreigners should be agreed on. Perhaps it will be expedient to introduce divers other regulations, conformably to the Marine Laws of France. Whenever these are to operate on the Commerce of the United States, our safety requires that, as far as possible, they be fixed by Treaty. And it will be desirable to stipulate against any *ex post facto* Laws or Regulation, under any pretence whatever.

Great Britain has often claimed a right, and practised upon it, to prohibit Neutral Nations carrying on a Commerce with her Enemies which had not been allowed in time of Peace. On this head, it will be desirable to come to an explicit understanding with France; and, if possible, to obviate the claim by an express Stipulation.

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Such extensive depredations have been committed on the Commerce of Neutrals, and especially on the United States, by the Citizens of France, under pretence that her Enemies, (particularly Great Britain), have done the same things, it will be desirable to have it explicitly stipulated, that the conduct of an Enemy towards the Neutral Power shall not authorise or excuse the other Belligerent Power in any departure from the Law of Nations or the stipulations of the Treaty: especially that the Vessels of the Neutral Nation shall never be captured or detained, or their Property confiscated or injured, because bound to or from an Enemy's Port, except the case of a blockaded Port, the entering into which may be prevented, according to the known rule of the Law of Nations. And it may be expedient to define a blockaded Place or Port to be one actually invested by Land or Naval Forces, or both; and that no declaration of a blockade shall have any effect without such actual investment. And no Commercial Right whatever should be abandoned which is secured to Neutral Powers by the European Law of Nations.

The foregoing Articles being those which the French Government has made the ostensible grounds of its principle complaints, they have naturally been first brought to view. But the proposed alterations and arrangements suggest the propriety of revising all our Treaties with France. In such revision, the first object that will attract your attention is the reciprocal guaranty in the 11th Article of the Treaty of Alliance. This guaranty we are perfectly willing to renounce. The guaranty by France of the Liberty, Sovereignty and Independence of the United States will add nothing to our security; while, on the contrary, our guaranty of the Possessions of France in America will perpetually expose us to the risk and expence of War, or to disputes and questions concerning our National Faith.

When Mr. Genet was sent to the Minister of the French Republic to the United States, its situation was embarrassed, and the success of its measures problematical. In such circumstances, it was natural that France should turn her eye to the mutual guaranty; and accordingly it was required, in Mr. Genet's instructions, to be "an essential Clause in the New Treaty," which he was to propose; and on the ground that "it nearly concerned the Peace and Prosperity of the French Nation, that a People, whose Resources increase beyond all calculation, and whom Nature had placed so near their rich Colonies, should become interested by their own engagements, in the preservation of those Islands." But at this time, France, powerful by her victories, and secure in her triumphs,  
may

may less regard the reciprocal guaranty with the United States, and be willing to relinquish it. As a substitute for the reciprocal guaranty, may be proposed a mutual renunciation of the same Territories and Possessions, that were subjects of the guaranty and renunciation in the sixth and eleventh Articles of the Treaty of Alliance. Such a renunciation on our part, would obviate the reason assigned in the instruction to Mr. Genet before cited, of future danger, from the rapidly growing power of the United States. But if France insists on the mutual guaranty, it will be necessary to aim at some modification of it.

The existing engagement is of that kind which, by writers on the Law of Nations, is called a General Guaranty; of course *casus fœderis* can never except in a Defensive War. The nature of this obligation is understood to be, that when a War really and truly defensive exists, the engaging Nation is bound to furnish an effectual and adequate defence in co-operation with the power attacked: whence it follows, that the Nation may be required, in some circumstances, to bring forward its whole force. The nature and extent of the succours demandable not being ascertained, engagements of this kind are dangerous, on account of their uncertainty: there is always hazard of doing too much or too little, and of course of being involved in involuntary rupture.

Specific succours have the advantage of certainty, and are less liable to occasion War. On the other hand, a general guaranty allows a latitude for the exercise of judgment and discretion.

On the part of the United States, instead of Troops or Ships of War, it will be convenient to stipulate for a moderate sum of money, or quantity of provisions, at the option of France: the provisions to be delivered at our own ports, in any future Defensive Wars. The sum of money or its value in provisions, ought not to exceed two hundred thousand Dollars a year, during any such Wars. The reciprocal stipulation on the part of France may be to furnish annually the like sum of money or an equivalent in military stores and clothing for Troops. at the option of the United States to be delivered in the Ports of France.

Particular caution, however, must be used in discussing this subject, not to admit any claims on the ground of the guaranty in relation to the existing War; as we do not allow that the *casus fœderis* applies to it. And if the war should continue after your arrival in France, and the question of the guaranty should not be mentioned on her part, you may yourselves be silent on the subject, if you deem it most prudent.

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It will be proper here to notice such Articles of the Treaty of Amity and Commerce between the United States and France as have been differently construed by the two Governments, or which it may be expedient to amend or explain.

Article 2. The assent of the United States in their Treaty with Great Britain, to the Doctrine of the Law of Nations respecting Enemies' Property in Neutral Ships, and Ship Timber, and Naval Stores, and in some cases Provisions, as contraband of War, the French Government has chosen to consider as a voluntary grant of favours, in respect to Commerce and Navigation, to Great Britain, and that consequently the same favours have become common to France. This construction is so foreign from our ideas of the meaning and design of this Article, it shews the necessity of reviewing all the Articles, and however clear they may appear, of attempting to obviate future misconstructions by declaratory explanations or a change of terms.

Article 5. France has repeatedly contended that the imposition of 50 per cent. per ton on French Vessels arriving in the United States, is contrary to the fifth Article of the Treaty. — The arguments in support of this pretension are unknown; but, it is presumed to be unfounded. The reciprocal right of laying "Duties or Imposts of what nature soever," equal to those imposed on the most favoured Nations, and without any other restrictions, seems to be clearly settled by the 3d and 4th Articles. The 5th Article appears to have been intended merely to define or qualify the rights of American Vessels in France. It is however desirable that the question be understood and all doubt concerning it removed. But the introduction of a principle of discrimination between the Vessels of different Foreign Nations, and in derogation of the powers of Congress to raise Revenue by uniform Duties on any objects whatever, cannot be hazarded. The naturalization of French Vessels will of course be considered as inadmissible.

Article 8. The stipulation of doing us good offices to secure Peace to the United States with the Barbary Powers, has never yet procured us any advantage. If therefore the French Government lays any stress on this stipulation, as authorizing a claim for some other engagement from us in favour of France, it may be abandoned; and especially if its abrogation can be applied as a set off against some existing French claim.

Article 14. If the alterations already proposed are made in the 23d and 24th Articles, then the 14th Article, as before observed, must be abolished.

Article 17. The construction put on this Article by the Government of the United States is conceived to be reasonable  
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and just, and is therefore to be insisted on. The Tribunals of the respective Countries will consequently be justified in taking cognizance of all Captures made within their respective jurisdictions; or by illegal Privateers; and those of one Country will be deemed illegal which are fitted out in the Country of the other remaining neutral: seeing to permit such arming would violate the Neutral Duties of the latter.

It will be expedient to fix explicitly the reception to be given to public Ships of War of all Nations. The French Ministers have demanded, that the public Ships of the Enemies of France, which at any time, and in any part of the World, had made Prize of a French Vessel, should be excluded from the Ports of the United States; and although they brought in no Prize with them. In opposition to this demand, we have contended that they were to be excluded only when they came in with French Prizes. And the kind of asylum to be afforded in all other circumstances is described in Mr. Jefferson's Letter to Mr. Hammond, dated the 9th of September, 1793, in the following words: "Thus then, the public Ships, of War of both Nations (English and French) enjoy a perfect equality in our Ports; 1st. in cases of urgent necessity; 2d, in cases of comfort and convenience; and 3d, in the time they choose to continue." And such shelter and accommodation are due to the public Ships of all Nations on the principle of hospitality among friendly Nations.

It will also be expedient explicitly to declare, that the right of asylum stipulated for the Armed Vessels of France and their Prizes, gives no right to make sale of those Prizes.

But when Prize Ships are so disabled as to be incapable of putting to sea again, until refitted, and when they are utterly disabled; some provision is necessary relative to their cargoes. Both cases occurred last year. The Government permitted, though with hesitation and caution, the cargoes to be unloaded, one of the vessels to be repaired, and part of the prize goods sold, to pay for the repairs, and the cargo of the vessel that was found unfit even to go to sea again, was allowed to be exported as Prize Goods, even in Neutral Bottoms.—The doubts on these occasions arose from the 24th Article of the British Treaty, forbidding the sale of the Prizes of Privateers, or the exchanging of the same in any manner whatever. But as French Prizes were entitled to an asylum in our Ports, it was conceived to be a reasonable construction of it to allow of such proceedings as those above-mentioned, to prevent the total loss of vessels and cargoes. The 25th Article of the British Treaty demands attention: as it is therein stipulated, that no future Treaty shall be made that shall be inconsistent

with that or the 24th Article. Another doubt arose, whether the British Treaty did not in good faith, require the prohibition of the sale of prizes made by the National Ships of France, as well as of those made by her privateers; especially seeing our Treaty with France gave her no right to sell any prizes whatever: but upon the whole it was conceived, that the United States having before allowed the sale of such prizes, and the Prohibitions in the 24th Article of the Treaty being distinctly pointed against the sale of the prizes of privateers, it was thought proper to permit the former practice to continue, until the Executive should make and publish a Prohibition of the sale of all prizes, or that Congress should pass a Prohibitory Law.

Article 22. If in new modelling the Treaty with France the total prohibition of the Sale of Prizes in the Ports of the party remaining Neutral shall not be agreed on, at least the right of each Power to make at its pleasure such Prohibition whether they are Prizes of National Ships or Privateers should be acknowledged, for the reason more than once suggested—to prevent a repetition of claims upon unfounded constructions; such as under the present Article, that a Prohibition to an Enemy of either Party is a grant to the other or the thing forbidden.

Articles 23d and 24th. These have been already considered, and the alterations proposed have been mentioned.

There have been so many unjust causes and pretences assigned for capturing and confiscating American Vessels, it may perhaps be impossible to guard against a repetition of them in any Treaty which can be devised. To state the causes and pretences that have been already advanced by the Government of France, its Agents and Tribunals, as the grounds of the capture and condemnation of American Vessels and Cargoes would doubtless give pain to any man of an ingenuous mind who should be employed on the part of France to negotiate another Treaty, or a modification of the Treaties which exist—It is not desired therefore to go farther into detail on these matters than shall be necessary to guard by explicit stipulations against future misconstructions and the mischiefs they will naturally produce.

Under pretence that certain Ports were surrendered to the English by the treachery of the French and Dutch inhabitants, Victor Hugues and Lebas, the Special Agents of the Executive Directory, at Guadaloupe, have declared that all Neutral Vessels bound to or from such Ports shall be good prize.

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Under the pretence that the British were taking all Neutral Vessels bound to or from French Ports, that French Agents at St. Domingo (Santhonax and others) decreed that all American Vessels bound to or from English Ports, should be captured; and they have since declared such captured vessels to be good prize. That French Consuls in Spain have on the same ground condemned a number of American Vessels merely because they were destined to or coming from an English Port.

Under the pretence, that the Sea-Letters or Passports prescribed by the Commercial Treaty for the mutual advantage of the Merchants and Navigators of the two Nations, to save their Vessels from detention and other vexations, when met with at sea, by presenting so clear a proof of the property, are an indispensable document to be found on board the French confiscate American vessels destitute of them, even when they acknowledge the property to be American.

Because horses and their military furniture, when destined to any Enemy's Port, are by the 24th Article of the Commercial Treaty declared contrabands, and as such by themselves only liable to confiscation. Hugues and Lebas decreed all Neutral Vessels, having horses or any other contraband goods on board, should be good prize; and they accordingly condemned Vessels and Cargoes.

The antient Ordinances of the French Monarchs required a variety of Papers to be on board Neutral Vessels, the want of any one of which is made a cause of condemnation; although the 25th article of the Commercial Treaty mentions what Certificates shall accompany the Merchant Vessels and Cargoes of each party, and which, by every reasonable construction, ought to give them protection.

It will therefore be advisable to guard against abuses by descending to particulars, to describe the Ships Papers which shall be required, and to declare that the want of any other shall not be a cause for confiscation; to fix the mode of manning Vessels as to the Officers, and the proportion of the Crews who shall be Citizens; endeavouring to provide, in respect to American Vessels, that more than one-third may be Foreigners. This provision will be important to the Southern States, which have but few native Seamen.

The Marine Ordinances of France will shew what regulations have been required to be observed by allied as well as Neutral Powers in general, to ascertain and secure the property of Neutrals. Some of these regulations may be highly proper to be adopted; while others may be inconvenient and burthensome. Your aim will be to render the documents and formalities

lities as few and as simple as will consist with a fair and regular Commerce.

Articles 25 and 27. These two Articles should be rendered conformable to each other. The 27th says, that after the exhibition of the Passport, the Vessel shall be allowed to pass without molestation or search, without giving her chase, or forcing her to quit her intended course. The 25th requires, that besides the Passport, Vessels shall be furnished with certain Certificates which of course must also be exhibited. It will be expedient to add, that if in the face of such evidence the Armed Vessel will carry the other into Port, and the Papers are found conformable to Treaty, the Captors shall be condemned in all the charges, damages and interests thereof, which they shall have caused. A provision of this nature is made in the Eleventh Article of our Treaty with the United Netherlands.

Article 28. The prohibited Goods here mentioned have no relation to contraband; but merely to such as by the Laws of the Country are forbidden to be exported. Yet in the case of exporting horses from Virginia, which no Law prohibited, in the winter of 1796, this Article was applied by the French Minister to horses which by the French Treaty are contraband of War. And a Letter from the Minister to Victor Hugues and Lebas, informing them that the American Government refused to prevent such export of horses by the British, is made one ground for their Decree above mentioned.

Article 30. The Vessels of the United States ought to be admitted into France in the same manner as the Vessels of France are admitted into the Ports of the United States. But such a stipulation ought not to authorize the admission of vessels of either party into the Ports of the other, into which the admission of all Foreign Vessels shall be forbidden by the Laws of France and of the United States respectively. With this restriction, the principles of the 14th article of the Treaty with Great Britain afford a liberal and unexceptionable precedent. A restriction like that here referred to will be found in the first paragraph of the Third article of the British Treaty.

The Commerce to the French Colonies in the East and West Indies, will doubtless be more or less restricted, according to the usage of other European Nations. Yet on account of the disarranged condition of the French Navigation, probably a larger latitude of Trade with their Colonies will be readily permitted for a term of years: and perhaps the mutual advantages thence resulting will be found so great as to induce afterwards a prolongation of that term, to which the course or habit of business may contribute.

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While between the United States and France there shall subsist a perfect reciprocity in respect to commerce, we must, endeavour to extend our Trade to her Colonies to as many articles as possible. Of these the most important are provisions of all kinds, as beef, pork, flour, butter, cheese, fish, grain, pulse, live stock, and every other article serving for food, which is the produce of the Country, horses, mules, timber, plants, and wood of all kinds, cabinet ware, and other manufactures of the United States: and to obtain in return all the articles of the produce of those Colonies, without exception; at least to the value of the cargoes carried to those Colonies.

There have been different constructions of the Consular Convention. The French have contended for the execution of their consular decisions by the Marshal or other Officer of the United States; and their Minister of Justice has formally stated in a Report to the Minister of Foreign Affairs, that the Judicial Sentences of the American Consuls in France will be executed by certain Officers of Justice in that Country. The legal Opinion of the Law Officers of the United States, which the Government had adopted, opposes such a construction. The French have also contended, that Deserters from French Vessels, ought to be apprehended by the Judicial Officers of the United States, upon other evidence than the original Shipping Paper, or *role d'equipage*; whereas the District Judges have insisted that the Consular Convention requires the original Role to be produced. This claim was lately revived by the Consul-General of the French Republic. The Correspondence on this occasion will be joined to the other Documents which accompany these Instructions.

The United States cannot consent to the erecting of Foreign Tribunals within their jurisdiction. We consider the judicial authority of Consuls as described in the Consular Convention, to be voluntary, not compulsory, in the Country where they reside; and that their decisions, if not obeyed by the parties respectively, must be enforced by the Laws of their proper Country; and such a provision you will see has been made in France, where a penalty of 1400 livres is imposed on the Citizen who refuses obedience to a Consular decision in a Foreign State.

The Consular Constitution will expire in about four years; and if any great difficulties arise in settling the terms of a new one, that which exists must take its course; but if the French Government should be silent on the subject of the Consular Convention, silence may be observed on our part.

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The Ports of the United States being frequented by the vessels of different Belligerent Powers, it became necessary to regulate the times of their sailing. The President therefore adopted what was understood to be the received rule in Europe; and ordered, that after the sailing of a Vessel of one of the Belligerent Powers, twenty-four hours should elapse before an Armed Vessel of an Enemy of the former, should set sail. This rule has not been duly respected by the Armed Vessels of France and Great Britain.

As the tranquillity of the United States requires that no hostile movements be commenced within their jurisdiction and the interests of Commerce demand an entire freedom to the departure of Vessels from their Ports, it may be expedient expressly to recognize the above-mentioned rule.

It will also be expedient to agree on the extent of Territorial Jurisdiction on the Sea Coast, and in what situation buoys and sounds may be said to be land locked, and within the jurisdiction of the Sovereign of the adjacent Country.

On the supposition that a Treaty will be negotiated to alter and amend the Treaties which now exist between France and the United States, the following leading Principles to govern the Negotiation are subjoined:

1. Conscious integrity authorizes the Government to insist, that no blame or censure be directly or indirectly imputed to the United States. But on the other hand, however exceptionable in the view of our own Government, and in the eyes of an impartial World, may have been the conduct of France, yet she may be unwilling to acknowledge any aggressions, and we do not wish to wound her feelings, or to excite resentment. It will therefore be best to adopt on this point the principles of the British Treaty, and "terminate our differences in such manner as, without referring to the merits of our respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding."

2. That no aid be stipulated in favour of France during the present war.

3. That no engagement be made inconsistent with the obligations of any prior Treaty.

4. That no restraint on our lawful Commerce with any other Nation be admitted.

5. That no stipulation be made, under colour of which Tribunals can be established within our jurisdiction, or personal privileges claimed by French Citizens, incompatible with the complete Sovereignty and Independence of the United States in matters of Policy, Commerce and Government.

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It will be expedient to limit the duration of the Treaty to a term of from ten to twenty years. Such changes in the circumstances of the two parties are likely to happen within either of those periods, as to give one, or both, good reason to desire a change in the conditions of the Treaty. From this limitation may be excepted such articles as are declaratory of a state of Peace, or as are intended to regulate the conduct of the two Nations at the commencement of, or during a state of War, or which are founded in morality and justice, and are in their nature of perpetual obligation. Of this kind may be considered the tenth Article of the Treaty with Great Britain; which therefore may very properly be introduced into the Treaty with France.

Finally, the great object of the Government being to do justice to France and her Citizens, if in any thing we have injured them; to obtain justice for the multiplied injuries they have committed against us; and to preserve Peace, your style and manner of proceeding will be such as shall most directly tend to secure these objects. There may be such a change of men and measures in France as will authorise, perhaps render politic, the use of strong language, in describing the treatment we have received. On the other hand, the French Government may be determined to frustrate the Negotiation, and throw the odium on this country; in which case, any thing like warmth and harshness would be made the pretext. If things remain in their present situation the style of representation will unite, as much as possible, calm dignity with simplicity, force of sentiment, with mildness of language, and be calculated to impress an idea of inflexible perseverance, rather than of distrust or confidence.

With these instructions you will receive the following Documents.

1. The printed State Papers, containing the Correspondence between the Secretary of State, and the French Minister, Mr. Genet.

2. The Letter dated January 16th, 1797, from the Secretary of State, to General Pinckney, and the Documents therein referred to, in which all the known complaints of the French Government, since the recal of Mr. Genet, are exhibited and discussed.

3. A Report from the Secretary of State to the House of Representatives, dated the 27th of February, 1797, exhibiting the state of American Claims which had been presented to the French Government (but few of which have been satisfied) together with some other information relative to the depredations

tions by the Officers and People of that Nation on the Commerce of the United States.

4. A Report made by the Secretary of State to the President of the United States, on the 21st of June 1797, and by him laid before Congress on the 22d.

5. Certain Original Depositions, Protests, and other Papers, relative to the French spoliations on the Commerce, and personal insults and injuries to the Citizens of the United States.

6. The Documents laid before the House of Representatives the 17th of May, 1797, relative to General Pinckney's Mission to Paris, and comprehending some Papers relative to the capture and condemnation of American Vessels by the French.

7. The Correspondence with the French Consul General Letombe

TIMOTHY PICKERING,  
Secretary of State.



FINIS.